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WAR CRIMES AGAINST THE PEACEFUL POPULATIONS OF THE USSR, JUGOSLAVIA, POLAND AND CZECHOSLOVAKIA

Speech of
L.N. Sminov Smirnov

Your Honors: My problem today consists of presenting to you the written documents and other judicial evidence testifying to the most severe crimes committed by the Hitlerian conspirators towards the peaceful population in the territories of the USSR, Jugoslavia, Poland and Czechoslovakia which were under temporary occupation.

The number of such depositions in the possession of the Soviet Prosecution is very great.

It is enough to mention that in the reports of the Extraordinary State Commission for the Determination and Investigation of the Crimes of the German Fascist Invaders and their Allies, there are 54,804 reports of the crimes by the Hitlerian criminals directed at the peaceful citizens of the Soviet Union.

But even these documents do not cover all the crimes committed by these war criminals towards the peaceful population.

The Soviet Prosecution asserts, and I here submit to the Tribunal evidence, that along the whole expanse of the great front, from the Berentz Sea to the Black Sea throughout the whole depth of infiltration of the German Fascist hordes into my Fatherland, everywhere where there stepped the foot of the German soldier, or where at any time appeared even one member of the SS, there took place crimes unheard of for their cruelty; crimes the victims of which were peaceful citizens -- the aged, the women, the children.

The crimes of the German Fascist criminals became apparent as the units of the Red Army moved west. The reports on these crimes against the peaceful population were made by the officers of the front units of the Red Army, by local government agencies, by community organizations.

The Soviet people learned of the crimes of the German Fascist scoundrels, not from circulars of the German Command, not from the notices put up by the Reich leaders, not from the instructions issued by the Obergruppenfuehrers of the SS which have appeared in both the incoming and outgoing bulletins of the

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German organizations concerned (although such documents were also captured in very large quantities by the offensive units of the Red Army and are at present in the possession of the Soviet Prosecution).

It is when the soldiers of the liberating armies began to return to thei native places and saw most of the villages, towns and cities turned into desert zones by the Hitlerite hordes that they learned of these crimes.

They learned of these at the mass graves where rested the corpses of Soviet citizens murdered by typical German methods, at the scaffolds from which hung the bodies of adolescents, at the stoves of the gigantic crematoria where were burned those murdered in the camps of destruction, by the bodies of the women and girls who became victims of the sadist tendencies of the Fascist bandits, by the corpses of the children torn in half. By all these things did the Soviet people understand the chain of crime that extended, as stated by the Chief Prosecutor of the USSR, "from the chairs of the Cabinet Ministers to the hands of the executioners." There was a special system in these horrible crimes. There was unity in the methods of murder. The same construction of the gas chambers; the same mass production of the round tins of poison called "Cyclone A" or "Cyclone B"; the ovens of the crematoria were built in the same typical manner; the same plan extended to all the destruction camps. There was the same construction of the ill-smelling machines of death which the Germans called gasenwagen, but which our people referred to as "the killers"; there was the same technical perfection in the construction of the travelling mills for cracking human bones. All these things pointed to the same evil will, which united all separate assassins and all individual executioners.

It became clear that the German physicists, chemists, architects, toxicologists, mechanics and physicians engaged in this utilization of science for purposes of mass murder at the direction of the criminal Hitlerian government and the High Command of the German Army. It became clear that these death factories brought into existence a whole series of auxiliary industries.

But the unity of this will to evil became apparent where special technical skills were developed to serve the objectives of the criminal assassinations.

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The unity of this will for evil was also seen in the similarity of methods, in the similarity of the techniques utilized for murder, and also where these special techniques were not used but very ordinary weapons of the German Army served the purpose.

The places where the victims were buried were discovered by the Judicial Doctors of the USSR, both in the North and in the South of the country. The graves were separated one from another, often by thousands of kilometers, and it was quite clear that these crimes were committed by quite different and distinct individuals, but the methods of these mass murders were completely identical: the wounds were in the same parts of the body; the gigantic ditches which were to be graves were similarly camouflaged as anti-tank trenches; almost the same expressions were used to order the disarmed and defenseless persons to undress and to lie face down in the already prepared graves. The first layer of those just shot, whether in the camps of Byelo-Russia or in the mountains of the Caucasus, were similarly covered by lime, and on the layer of bodies and lime lay down the second layer of those about to die.

This is testified to, not only by the identity of instructions received from the higher quarters; but so similarly, so identical were the methods used that it became clear that executioners were trained in the same special schools, which systematized and made provision for every part of the murder etiquette, from the order to undress just before being shot to the shooting itself.

These assumptions, based on the analysis of the assembled facts, were later confirmed by the documents captured by the Red Army and by the testimony of the prisoners of war.

From the very first months of the war, it became clear to the Soviet Government that the innumerable crimes of the German Fascist aggressors against the peaceful citizens of my Fatherland represented, not the excesses of undisciplined military units, or the isolated crimes of individual officers and soldiers, but represented a system prepared in advance; not merely sanctioned by the criminal Hitler government, but consciously planned and encouraged.

I submit to the Tribunal as evidence, in accordance with Article 21,

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the official note from V. M. Molotov, Peoples Commissar for Foreign Affairs in the USSR, dated as early as 6 January 1942. This document is registered as USSR Exhibit No.51. Quoting the beginning of the note:

"As the Red Army, in the course of its continued successful counter-offensive, liberated numerous cities and rural communities which had for a time been in the hands of the German invader, a picture without equal emerged, and this picture emerges more clearly with every passing day -- the picture of the plunderings which took place in every community, the general ruination, coarse deeds of violence, infamous acts and mass murders which were committed against the civilian population by the fascist German occupation forces during the offensive during the occupation, and during their withdrawal. The great amount of documentary material which the Soviet Government has at its disposal is evidence that the plundering and despoiling of the population, accompanied by bestial acts of violence and mass murders, as carried out in all territories which came under the heels of the German invaders. Incontrovertible evidence proves that the regime of robbery and of bloody terror against the peaceful population of the occupied villages and cities did not consist of incidential excesses of individual undisciplined military units or individual German officers and soldiers. Rather it points to a definite system, planned in advance and promoted by the German government and the German army leadership, which let loose intentionally within their army the lowest animal instincts among the officers and soldiers.

"Every step of the Fascist German Army and its allies on the Soviet territories occupied by them, in the Ukraine and Moldavia, in White Russia and Lithuania, in Latvia and Esthonia, in the Karelian-Finnish territory, in the Russian regions and zones, brings the destruction and annihilation of numberless material and cultural values of our people; it brings to the civilian population the loss of property won in hard work, the erection of a forced labor regime, famine and bloody slaughter, before

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the horrors of which the most dreadful crimes that human history has ever known grow pale.

"The Soviet government and its organs keep an extensive record of all these wanton crimes of the Hitler army for which the deeply aroused Soviet people justifiably demands and will get recompense."

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Now I shall quote paragraphs two, four and five of the concluding statement of the note,

"Germany's Hitler Regime, which has attacked the Soviet Union in violation of its pledge, does not pay any heed to any international standards or any requirements of human morals in waging war. She wages war especially against the peacful and unarmed population, against women, children, and old men, thereby revealing its vile brigand mentality. This Brigand Government, which recognizes only force and rapine, must be crushed by the all-powerful strength of the freedom-loving peoples, amongst whom the Soviet peoples will carry out their great task of liberation to the end.

Not only the Red Army, but our entire people, numbering many millions, is filled with blazing hate, and thirsts for relentless vengeance for the blood and for the destroyed life of Soviet citizens. The men and women of the Soviet country will never forget the bestialities and deeds of violence, the destructions and insults, which the brutalized hordes of the German invaders have committed and continue to commit against the peaceful population of our country - they will not forget it and they will not forgive them for it.

While informing all governments, with which the Soviet Union maintains diplomatic relations, of all these bestialities committed by the German invaders, the Soviet Government states that for these inhuman and rapacious acts of the German troops she holds Germany's criminal Hitler Government, wholly responsible.

At the same time the Government of the Soviet Union declares with unshakable conviction that the fight for liberation of the Soviet Union is a fight for the rights and the liberty not only of the peoples of the Soviet Union, but also for the rights and the liberty of all other freedom-loving peoples of the world, and that this war can end only with the complete destruction of the Hitler army and with the complete victory over the Hitler tyranny."

The large quantity of the materials and facts which I have to submit to the Tribunal, makes it necessary to adhere to a very strict system in the presentation of this material.

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The Tribunal will get evidence in the following order:

First: With regard to the conscious encouragement, on the part of the chief war criminals, of the lower instincts of those German soldiers and officers and officials who were meant for the Eastern areas, encouraging them to do away with the civilian populatio n and misteat it. These chief war criminals created the atmosphere of irresponsibility and legalized the regime of terror.

Second: With regard to the existing special training and the selection of personnel meant to put into effect both the mass murders and the regime of terror with regard to the civilian population.

Third: With regard to the extent of the crimes, the degree and the wide geographic spread of these crimes.

Fourth: With regard to the gradual development and perfection of the method for the realization of these crimes, from the first shootings to the creation of the special camps of destruction.

Fifth: With regard to attempts to conceal these crimes and the special measures taken for that purpose at the order of the higher authorities.

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I shall now submit documents to prove the first two points of those just mentioned.

The Tribunal has already received evidence that the actual orders, circulars and the so-called "laws" of the Hitlerian criminals for the legalization of terror directed at the population and the justification of rape and murder, are directly related to the inhumane theoretical foundations of Fascism.

I submit to the Tribunal the book written by Hermann Rauschnigg, the four-month President of the Danzig Senate and at one time a person very close to Hitler, which was published in 1940 in New York under the title of "The Voice of Destruction". The same book was published in various other countries under different titles, such as "What Hitler Told Me", or "Conversations with Hitler", and so on.

The Chief Prosecutor of the USSR twice quoted from Rauschnigg's book. The first citation is on Page 225, Paragraph _____, from above. There Hitler said to Rauschnigg, "I shall free humanity from the phantom call conscience."

The second citation is on pps. 137 and 138. This one describes Rauschnigg's conversation with Hitler on the subject of the necessity for there being a "special technique for depopulating countries "where it would be necessary to annihilate whole peoples, and about the "victor's rights" to annihilate whole peoples.

For murdering millions of innocent and defenseless people, techniques were necessary, not only for the purpose of developing the technical formula of Cyclone A or constructing gas chambers and the crematoria, or the preparation of detailed procedure for mass shootings.

It was also necessary to train many thousands of men who would carry out these policies, "not as a matter of form, but also in spirit", (as stated by Himmler in one of his speeches). It was necessary to train persons who had no heart or conscience, persons who would be amoral, who had consciously broken away from the basic conceptions of both morals and ethics. It was necessary to legalize and law "a theoretical foundation" for substituting the concept of "guilt" for the concept of "suspicion"; for the concept of

"punishment", the concept of "preventative purge of undesirable elements for political purposes"; for the concept of "justice", the concept of the "Master's right"; for the concept of jurisprudence, the concept of "administrative tyranny and police terror."

In utilizing orders directives and laws, it was necessary to convince hundreds of persons who were to be the executioners and who would be trained for the purpose like bloodhounds are trained, that they are responsible for nothing. This is why Hitler freed "humanity from the phantom called conscience". However, the theoretical foundations laid for the purpose still did not constitute official instructions; neither did they establish definite measures of retaliation with regard to those who were unduly soft and did not fully recognize "the joys of cruelty".

This is why, even before the beginning of the war with the Soviet Union, the German Fascist criminals issued a number of so-called "reminders", "sermons" and similar documents to the Germans who were being sent east. One of these documents I am here submitting. It was not meant for the policemen and the SS leaders, but merely for the so-called Rural Fuehrers. The name of the document is "The Twelve Commandments for Behaviour of Germans in the East and for their Treatment of the Russians." I submit this document to the Tribunal as USSR Exhibit 89, and from the twelvecommandments, I shall quote just one. That is 6-U, which has a direct relation to my present theme.

> "Since the newly opened-up areas must be lastingly acquired for Germany and Europe, everything depends upon your behaviour. You must realize that you are the representatives of Greater Germany and standard-bearers of the National Socialist revolution and of the new Europe for centuries to come. You must, therefore, carry out with dignity even the hardest and most ruthless measures that are required on account of State necessities. Lack of character on the part of an individual will be considered cause for his removal. Anyone who has been recalled on such grounds will no longer be eligible for a responsible position in the Reich, either."

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For what "cruel and merciless" measures the criminal Hitler government was preparing those whom it called "the vanguard of the National Socialist Revolution" and what crimes were committed by this vanguard, we shall show in a minute.

From the document just quoted, it is clear that those officials who were not sufficiently cruel or sufficiently merciless toward those Soviet persons who were temporarily caught under the Fascist yoke, the Hitler government threatened discharge and the end of the career, not only in the Eastern regions, but in the whole territory of the Reich.

In this manner, the theoretical foundations were followed up by official orders, which were definite and had no ambiguity.

The cadres of executioners were prepared in special education institutions. The network of these institutions extended even to the lowest officials. I shall submit to the Tribunal the indictment presented by the Prosecutor for the Most Important Affairs in the USSR on the subject of the German Fascist crimes in the city and district of Kharkov. This document has already been confirmed by the verdict of the Military Tribunal, which is also being submitted to Your Honors.

The indictment and the verdict are submitted as USSR Exhibit No. 32.

On the first page of the indictment there is an extract from the testimony of the defendant Razlev.

> "So testifies the corporal of the German armed forces indicted in the criminal offense at hand, Reinhard Retzlaff, who had received his training in the special battalion "Altenburg":
>
> "The semester included even several lectures of leading officials of the GFP (Secret Field Police) who pointed out in a direct manner that the peoples of the Soviet Union, and especially those of Russian nationality were inferior and that they would have to be destroyed in their overwhelming majority, but that they were to be used as slaves to a minor extent by the German estate-owners.
>
> These directives originated the policy of the German government toward the peoples of occupied territories and were, as must be confessed, executed by every member of the Armed forces in actual life, amongst them also myself. (Bd.2,Bl. 67.)"

Such were the schools dedicated to training and educating the junior police officials.

But the Fascist system of training murderers also applied several other forms of education, which concentrated on developing various special processes for destroying people, and also the technique of covering up these destructions.

I am submitting to the Tribunal a document registered as USSR No. 6 B (5 E), which is one of the appendices to the report of the Extraordinary State Commission on the crimes of the Germans in the territory of the Lvov district.

It is the testimony of Witness Msnusevicf, questioned by the Senior Assistant of the Prosecutor of the Lvov district at the special request of the Extraordinary State Commission. The protocols of the questioning are formulated in accordance with the legal procedure of the code of the Ukrainian USSR.

Msnusevicf was imprisoned in the Yanov Camp, where he worked as member of the prisoners squad for the burning of the corpses of the assassinated Soviet citizens. After having finished the burning of 40,000 corpses murdered in the Yanov Camp, the squad was transferred for similar purposes to the camp located in the Lisenitz Woods.

I quote now from the report of the interrogation at page 5, beginning at line 26, counting from the top.

"In this camp, that is to say, in the death-factory, special 10-day courses on the burning of corpses were organised. Twelve men were employed there. Persons attending the courses came from the camps of Lublin, Warsaw, and others. I do not know their family names, but they were officers, not enlisted men. The instructor at these courses was SCHALLOK. He explained at the scene where bodies were exhumed and burned the practical way of doing it, how the machinery for crushing the bones was set up and how the pits should be leveled over and trees planted on the spot, and how the ashes of the human corpses should be scattered and concealed. Such courses existed over a considerable period of time. During my stay, that is, in the course of five and one half months of my work in the Janowsky and Lissinizky camps, there were ten groups that attended these courses."

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For education of the youth, the German fascists created a special organisation, the so-called Hitler Jugend (Hitler Youth).

For quite a long time the head of this organization was the defendant Baldur von Schirach.

What kind of methods of education of the German Youth were used by the fascist criminals is described by a French citizen, Ida Vasso, the directress of a pension for aged Frenchmen in Lvov. During the occupation of Lvov by Germans, she had an opportunity to visit the Lvov Ghetto.

In her statement to the Extraordinary State Commission Vasso described the system for the extermination of people used there. From the statement by Vasso you can see that Germans educated Hitler youth, training those young fascists to shoot at live targets, the children who were specially given to the Hitler Youth as targets for the shooting. The statement by Vasso was verified by the Extraordinary Commission, and fully confirmed.

In confirmation of this, I submit to the Court, under the number USSR 6, a report by the Extraordinary Commission entitled "Concerning the Crimes of Germans in the Territory of the Lvov Region."

I quote now from the statement by Vasso from the report on page 6, the second column of the text, paragraph 5, beginning at page 14, at the beginning of the paragraph.

> "The little children were martyrs. They were given as presents to the Hitler Youth which used them as living targets for their target practice. "No mercy for the others, all for themselves" -- that was the motto of the Germans. The whole world must learn about their methods. We, who were helpless witnesses to these terrible scenes, must report their atrocities so that all should know and - what is more important -- that nobody should forget ..... To forget would mean to commit treason against mankind."

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And on the same page, in paragraph 2, the Court will find the official confirmation of the statement by Vasso. The Extraordinary Commission established that in Lvov Germans --

"Neither men, women nor children were spared, the adults were killed in a primitive way, the children were given to the Hitler youth to be used for target practice."

In that manner were created, educated, and trained those moral monsters who were called to execute the program of the main criminals for the physical destruction of the population of the countries of Eastern Europe. The fascist government had no reason to expect that the standard-bearers of the National Socialist revolution in the East would show any remnant of any humanity whatsoever.

I quote now from the testimony of the witness Manusevich, which was submitted before, the part where he speaks of the activities of the administration of Camp Yanov. He was a witness of those activities when he worked in a special unit of the prisoners created for burning the corpses of people killed in this camp. I quote from page 3 of the report of the interrogation, beginning at line 25, counting from the top.

"Aside from the shootings, various tortures were employed in the Janowsky Camp. In the winter time, for example, a person with bound hands and feet was placed into a barrel, full of water in which he froze. There were two rows of barbed wire, 120 meters distant from each other around the Janowsky Lager. People were brought there, who perished there from cold and hunger; they were unable to save themselves from that place. However, several days before one was brought there, one was soundly thrashed. One was hung up by the neck, by the hands or feet, and then dogs were set upon one, who tore one to pieces. The human being was used as a target wall at target practice. This was done mostly by the Gestapo people Heine, Ziller, Blum, the head of the camp, Willjaus and others whose names I do not remember. They gave a man a glass and shot at it: if the glass was hit, he continued to live, if, however, he was struck on the hand, he was then shot. It was said

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in this connection that he was incapable of work and consequently should be shot. People were torn in two, children of one month to three years were drowned in barrels, filled with water. Several people were also tied to a post and they stood there until they died of sunstroke.

"Before the people were sent to work they were examined. During the examination the men were forced to run 50 km. and whoever ran this distance quickly without stumbling remained alive, the remainder, however, were shot. In the camp there was a place grown over with grass, over which one also had to run: if anyone stumbled on the grass and fell, he was shot immediately. The grass was higher than a person's hips. The women were hung up by their hair, at which time they were stripped, shaken and so they hung till they died. The following occurred: the Gestapo man Heine cut pieces of flesh out of a young boy, 28 wounds were inflicted upon another, later he worked in the Death Brigade and finally he was shot.

"Once, when there was a line for coffee in the kitchen, the hangman Heine appeared and asked the first one in the line why he was the first in line and shot him on the spot. In this manner he shot several people personally seen all these bestialities in the Janowsky Camp."

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The testimony of the witness Manusevich, read by me, was fully confirmed by the official report of the Extraordinary State Commission entitled, "Concerning the Crimes of Germans Perpetrated on the Terrotiries of the Lvov Region."

Furthermore, Manusevich speaks mainly about the activities of the lower and middle rack officials of the camp administration.

From the report of the Extraordinary Commission you can see that a system of most objectionable insults was perpetrated upon helpless people, which was initiatied and organized by the upper ranks of the camp administraO tion, who constantly gave to their subordinates personal examples of extreme brutality. One of the commanders of the camp, Obersturmfuerer Willhaus, developed the same "joy of cruelty", of which the Defendant Rosenberg wrote nine years ago. He developed it not only among his official subordinates, but also in his wife and his 9-year old daughter.

I quote this from the report of the Extraordinary State Commission, which has already been submitted to the Court under the number USSR-6. I quote from this report beginning with the first paragraph, counting from the bottom, in the first column of page 4 of the document.

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The SS Hauptsturmfuehrer Gebauer carried out an inhuman system of destruction in the Janovsky Camp. After his appointment to another position his system was completed by the camp commander SS Obersturmfuehrer Gustav Wilhaus and SS Hauptsturmhuehrer Franz Warzok. A former inmate of the campt told the commissit "I have seen with my own eyes how Captain Fritz Gebauer strangled women and children to death. I have seen that one did put men into barrels in mid-winter to let them freeze to death. The barrels were filled up with water and the victims hands and feet chained and then they were put in the water. Those condemned to death remained in the barrels until they froze to death".
The German High Command incites "initiative". On the basis of testimonies of unnumerous Soviet war prisoners and also of French citizens, who were held prisoners in German camps, the fact was established that the German bandits "invented" the most cunning methods for the annihilation of human beings. They considered initiative as something especially praiseworthy: they were incited by the highest military command office and the German Government.

SS Hauptsturmfuehrer Franz Varzok for instance loved to hang prisoners of war by both feet on sticks and to leave them in this position until they died. Obersturmfuehrer Rokita personally slashed the bellies of prisoners of war. The chairman of the investigation section of the Janovsky camp Heine, pierced the bodies of war prisoners with sticks or an iron rod: he used to tear out the finger nails of women with pliers, then he stripped his victims, hung them by their hair and let them swing. Then he took shots at the"moving targets

The commandant of the Janovsky camp, Obersturmfuehrer Wilhaus, used to shoot regularly with an automatic rifle from the beam of his office room at the prisoners of war who were emplyed at the working shops. Sometimes he gave his rifle to his wife, she shot too. This he did partially as a sport, partially for fun. Once Wilhaus gave order, for the purpose of amusing his nine years old daughter to throw two 4 year old children high up into the air, during which time he took shots at them. His daughter applauded and yelled: "Papa, do this again!" He did it again.

In this camp prisoners of war were annihilated without any pretense often on account of a bet. The witness Kirschner informed the investigating commission that Wepke, aGestapo commiss oner, boasted in presence of other camp-

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executioners, he could cut in two a boy with one stroke of an axe. They did not believe him, therefore he caught a ten year old boy on the road, forced him to kneel down, ordered him to hide his face in his hands, made one test stroke, put the head of the child in the fitting position and with one singel stroke cut the boy in two. The Hitlerites heartily congratulated Wepke and shook his hand.

In 1943, for Hitler's birthday, the Commandant of the Janovsky camp, Obersturnfuehrer Wilhaus picked out 54 prisoners of war and shot them himself. There was a special hospital for prisoners in the campt. The German hangmen Brambauer and Birman looked the patients over on the 1 and 15th day of each month and if they found patients who were in the hospital already longer than 14 days, they shot them on the spot. Each time during such an investigation, 6 or 7 people were killed.

The Germans executed their tortures, mistreatments and shooting accompanie by music. For this purpose they created a special orchestra of prisoners. They forced Professor Stricks and the well known conductor Mund to conduct this orchestra. They demanded of composers to write a special tune, which they called the "Tango of Death". Shortly before dissolving the camp the Germans shot all members of the orchestra.

What took place in the Yanov camp was not in any way anthing exceptional. Exactly in the same way the German

fascist administration acted in all concentration camps located in the territories of the temporarily occupied regions of the Soviet Union, Poland, Yugoslavia, and other countries of eastern Europe.

I submit to the International Military Tribunal document No. USSR 29. It is the report of the Polish-Soviet Extraordinary Commission for the investigation of the crimes perpetrated by the Germans in the extermination camp of Midanic in the City of Lublin. I quote from Section 3: "Tortures and merciless butchery in the extermination camp." (Page 4, beginning with the last paragraph of the first column of the text).

"The torture methods varied greatly. Some of them were so-called "jokes" which frequently ended with death. Among those were mock-shooting connected with making the victim insensible by hitting him over the head with a large and blunt object, and mock-drownings in the pond of the camp which often ended in actual drowning. Among the German executioners were specialists for particular torture methods. Prisoners were killed by a blow with a riflebutt on the back of the head, by a kick in the stomach or in the groin, or in another manner.

"The SS torturers drowned their victims in the dirty water which was coming from the bathhouse and was flowing in the narrow ditch. The head of the victim was dipped into the dirty water and kept under by the boot of a SS man until death came. A favorite method of the Hitler SS was to hang prisoners with their hands bound together on their back. The Frenchman, Le de Corautin, who suffered this punishment stated that a man hanged in this manner loses consciousness very soon, whereupon the hanging was interrupted, as soon as consciousness had come back he was hanged again, and this procedure was repeated many times.

"For the smallest offense, particularly because of suspicion of escape, inmates of thecamp were hanged by the German devils. In the middle of each section stood a beam with a cross beam 2 meters above the floor, on which the people were hanged. 'I saw from my barrack' said witness Domashev, former camp inmate and Soviet prisoner of war, 'how people were hanged on the beam in the middle of the section'.

"Close to the laundry, in the space between the first and second section, was a special shed with beams on the ceilings where prisoners were hanged in masses.

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"The female prisoners were just as much humiliated and tortured. The same system of roll calls, of heavy work way beyond human strength, of beating and humiliation was used with them. Particular atrocities were committed by the female SS personnel, the female chief-guard Erich, and the female guards Braunstein, Ani David, Weber, Knoblic, Ellert and Redli. The commission established many facts which showed the absolutely unrivalled atrocities committed by the female executioners.

"Heinz Stalbe of the German combatpolice stated in a full meeting of the commission that he has seen with his own eyes when the director of the crematory, Oberscharfuehrer Mussfield, tied the hands and legs of a woman and threw her alive into the crematory furnace. The witnesses Jelinski and Oleh, who had been working in the camp, also talked about the burning of alive prisoners in the crematory furnace.

"The witness Atrokhov gaveevidence: 'They tore a child from the breast of its mother and killed it in front of her, crashing it against the walls; they held a small child on one foot, stepped on the other one and tore it in two.'

"The deputy commandant of theccamp, SS Obersturmfuehrer Tumann was particularly hated. He made whole groups of prisoners kneel down and killed them through blows on the head with a rifle-butt; he chased Alsatian dogs after the prisoners. He participated strongly on all executions.

"Hunger, unbearable work, torture, torment, humiliation and murder were used with unheard of sadism as means of mass annihilation of the camp inmates."

It may be said that those sophisitcated tricks and sadistic crimes were typical only for the SS or the special police units. That is not so. And to confirm that, the widest strata of the personnel of the German fascist armed forces were led into a state of the deepest moral degradation by the major criminals of war. And also, to prove that the crimes against peaceful populations were perpetrated by the soldiers and officers of regular field units of the army on a before unknown scale. I am turning now to the contents of the note by the People's Commissar

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for Foreign Affairs of the USSR, V. M. Molotov, of 6 January 1942, which has already been submitted to the Tribunal under the number USSR 51. This note does not deal with crimes perpetrated by some special units of the SS or some other police organization. As will be seen from the material which I am going to read to you, from the note of January 6, 1942, special attention is given to the crimes of regular army units and formations of the German armed forces.

I am going to read into the record Section 3 of the note:

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There are no bounds to the wrath and indignation aroused among the Soviet population and in the Red Army by the immumerable beinous acts of violence, the foul outrages against woman's honour and the massacres of Soviet citizens, men and women, perpetrated by the German-fascist officers and soldiers. Wherever the rule of the German bayonet begins to hold sway, an intolerable regime of bloody terror, agonizing torture and brutal murder is instituted. The robberies everywhere committed by the German officers and soldiers are invariably accompanied by the beating up or murder of tremendous numbers of guiltless people. For failure to deliver up all food provisions to the last crumb and all clothing to the last shirt, the Germans torture and hang old and young, women and children. They beat up and shoot those who do not perform in full the set quota of work at forced labour.

On June 30 the Hitlerite gangsters entered the city of Lvov, and on the very next day started a massacre under the slogan of "Kill the Jews and the Poles." After hundreds had been put to death the Hitler bandits held an "exhibition" of the victims in an arcade. The mutilated bodies, mostly those of women, were lined up along the house walls. In a conspicuous place of this ghastly "exhibition" was laid the corpse of a woman whose baby had been pinned to her by a bayonet.

Such have been the monstrous atrocities of the fascists from the very outset of the war. Wallowing in the blood of the innocent, the Hitlerite ghouls are continuing their dastardly crimes.

In the hamlet of Krasnaya Polyana, in the vicinity of Moscow, on December 2 the German-fascist blackguards assembled all the local inhabitants between the ages of 15 and 60, locked them up in the icy premises of the District Executive Committee building in which all the window panes had been knocked out, and kept them there for eight days without food or drink. The infant children of A.Zaitseva, T.Gudkina, O.Naletkina and M.Mikhailova, women workers of the Krasnaya Polyana factory who were among those imprisoned died in the arms of their mothers during the torturous ordeal.

Numerous instances are on record of Soviet children having been used as practice targets by the Hitlerites.

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In the village of Byely Rast, Krasnaya Polyana District, a gang of drunken German soldiers put up twelve-year-old Volodia Tkachev on the porch of one of the houses as a target and opened automatic-rifle fire on the boy. His whole body was riddled with bullets. After that the gangsters began to fire random shots at the windows of houses. They stopped I.Mossolova, a collective farm woman who was passing by in the street with her three children, and shot her and her children dead right then and there.

In the village of Voskressenskoye, Dubinino District, the Hitlerites used a three-year-old boy as their target, firing at him from their machine-guns.

In the district centre of Volovo, Kursk Region, where the Germans stayed for the space of four hours, a German officer killed the two-year-old son of a woman named Boikova by hitting the child's head against a wall because it was crying.

In the Village Soviet of Zlobin, Orel Region, the fascists killed the two-year-old child of the Kratovs', collective farmers, because his crying distrubed their sleep.

In the Village of Semenovskoye, Kalinin Region, the Germans bound the arms of Olga Tikhonova, the twenty-five-year-old wife of a Red Armyman and mother of three children, who was in the last stage of pregnancy, and violated her. After this outrage the Germans cut her throat, stabbed her in both breasts and sadistically bored them out. In the same village the Germans shot a boy of thirteen and cut a five-pointed star on his forehead.

In November, K. Ivanova, a telegraph operator of the town of Kalinin, went to visit relatives in the village of Burashevo, near Kalinin, accompanied by her thirteen-year-old son Leonid. When they left the town they were noticed by some Hitlerites, who began shooting at them from a distance of 60 metres, killing the boy. The mother made several attempts to carry away the child's body, but whenever she tried to do so the Germans opened fire and she had to leave the body there. For eight days the German soldiers would not let her remove the body. Only when the place was occupied by our troops could the mother remove and bury her dead child.

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In Rostov-on-Don, fifteen-year-old Vitya Cherevichny, a trade school pupil, was playing in the courtyard with his pigeons. Some German soldiers who were passing wanted to take away the birds. The boy protested. The Germans led him away and at the corner of 28th Line and 2nd Maisky-Street shot him for refusing to give up his pigeons. With the heels of their boots the Hitlerites mutilated his face past recognition.

The village of Bassmanovo, Glinka District, Smolensk Region, liberated by our troops early in September, presented a picture of utter ruin and devastation after the German occupation. On the very first day they arrived, the fascist butchers drove into the fields over 200 schoolboys and girls who hac come to the village to help in the harvesting, surrounded them and fiendishly shot them all. They carried off with them to the rear a large group of schoolgirls "for their officers."

The occupation of a town or village usually begins with the erection of a gallows on which the German executioners hang the first civilians they lay their hands on. Moreover, they leave the bodies hanging on the gallows for days and even weeks. They do the same with the people they shoot in the streets of the towns and villages, leaving the bodies to lie about for days on end.

After the seizure of Kharkov, the German gangsters hanged several people from the windows of a large house in the centre of the city. On November 16, nineteen persons, one of whom was a woman, were hanged there from the balconies of a number of houses. In the Village Soviet of Cherepess, Velikiye Luki District, Kalinin Region, the fascist invaders shot seven peasant families and threw the bodies into a bonfire.

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The fiendish acts of violence committed there where upon women testified to the profound moral depredation of the criminal members of the German-Fascist fieldsunits. The memorandum of 6 January 1942 mentioned the following : (I quote beginning with paragraph on page)

Women and young girls are vilely outraged in all the occupied areas.
In the Unkrainian village of Borodayevka, Dniepropetrovsk Region, the fascists violated every one of the women and girls.
In the village of Berezovka, Smolensk Region, drunken German soldiers assaulted and carried off with them all women and girls between the ages of 16 and 30.
In the city of Smolensk, the German Command opened a brothel for officers in one of the hotels, driving hundreds of women and girls into it, dragging them over the pavement mercilessly by their arms and by the hair.
Wherever they come the German bandits break into the houses, violate women and girls before the very eyes of their kinfolk and children, jeering at the women they have assaulted, and brutally murdering their victims.
In the city of Lvow, 32 women working in a garment factory were attacked and then murdered by German Storm Troopers. Drunken German soldiers dragged the girls and young women of Lvow into Kosciuszko Park, where they brutally raped them. An old priest, V.L. Penaznev, who, cross in hand, tried to prevent these outrages, was beaten up by the fascists. They then tore off his cassock, signed his beard and stabbed him to death with their bayonets.
Near the town of Borissov, in Byelorussia, 75 women and girls who tried to flee at the approach of the German troops fell into their hands. The Germans first raped and then fiendishly murdered 36 of their number. By order of a German officer named Hammer, the soldiers marched L.I.Melchukova a girl of sixteen, into the forest, where they raped her. Some time later, some other women who had also been dragged into the forest saw the dying Melchukova pinned to boards by bayonets near some trees. The Germans cut off her breasts in the presence of these women, among whom were V.I.Alperen ko and V.M.Bereznikova.

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On retreating from the village of Borovki, Zvenigorod District, Moscow Region, the fascists forcibly carried several women, tearing them away from their little children in spite of their prayers and entreaties.

In the town of Tikhvin, Leningrad Region, M. Kolodetskaya, a girl of fifteen, was wounded by a shell fragment and taken to a hospital (a former monastery) where there were wounded German soldiers. Despite her injuries, a group of German soldiers raped the girl, who died as a result of the assault.

Information is being received daily from the towns and villages recently freed of the German invades, particularly those located in the various districts of the Moscow, Leningrad, Kalinin, Tula, Orel, Kursk, Voroshilovgrad, Stalino and Rostov Regions, telling of the dastardly outrages committed against women, girls and children during the period of occupation, the malefactors in many cases murdering their victims.

The Hitlerites, however, do not stop at the murder of individual Soviet citizens. Among the most appalling atrocities in the history of Hitlerite lawlessness and terrorism on German-occupied Soviet territory are the massacres of Soviet citizens which usually accompany the temporary seizure of Soviet towns, villages and other inhabited centres by the Germans.

Here are a few instances of bloody mass terror directed against entire villages by the Germans. In Yaskino, a village of the Smolensk Region, the Hitlerites shot all the old men and adolescent boys, and burnt the houses to the ground. In the village of Pochinok of the same region, the Germans drove all the old men, old women and children into the collective farm office, locked the doors and burnt them all alive. In the Ukrainian village of Yemelchino, Zhitomir Region, the Germans locked 68 people into a small hut and sealed the doors and windows, causing everybody inside to die of asphyxiation. In the village of Yershovo, Zvenigorod District, Moscow Region, now liberated by our troops, the Germans before withdrawing drove about 100 civilians and wounded Red Armymen into the church, locked them in and blew up the building. In the village of Agrafenovka, Rostov

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Region, on November 16 the fascists arrested the whole male population between the ages of 16 and 70 and shot one out of every three.

Horrible massacres and pogroms were carried out by the German invaders in Kiev, the capital of the Ukraine. In the course of a few days the German bandits tortured and murdered 52,000 men and women, aged people and children, ruthlessly doing to death all Ukrainians, Russians and Jews who in any way displayed their loyalty to the Soviet power. Soviet citizens who succeeded in escaping from Kiev give a blood-curdling picture of one of these mass executions. A large number of Jews, including women and children of all ages, were assembled in the Jewish cemetery. Before shooting them the Germans stripped them naked and then beat them. The first group they marked for execution they made lie down at the bottom of a ditch, face downward, after which they shot them with automatic rifles; then the Germans sprinkled some earth over the dead bodies, made the next batch lie down in a row over the first and shot them in the same way.

Many massacres were committed by the German occupants in other Ukrainian towns as well, the sanguinary murders being directed particularly against the unarmed, defenceless Jews of the working population. According to incomplete data, no fewer than 6,000 people were shot in Lvov and over 8,000 in Odessa; about 8,500 were shot or hanged in Kamenets-Podolsk; over 10,500 people were machine-gunned in Dniepropetrovsk; over 3,000 local inhabitants were shot in Mariupol, including large numbers of old men, women and children, every single one of whom had been robbed and stripped naked before being put to death. In Kerch, according to preliminary figures, approximately 7,000 people were murdered by the German-fascist fiends.

The bloodsthirsty deeds of the Nazis in the town of Rostov have become widely known. During their ten days' stay in Rostov the Germans not only wreaked vengeance on separate individuals and families, but in their blood lust annihilated tens and hundreds of inhabitants, especially in the working-class districts of the city. Near the premises of the Railway Board, German machine-gunners shot 48 people on broad daylight. Sixty people were shot by the Hitlerite assassins on the sidewalks of the main street of Rostov. In the

Armenian cemetery 200 people were murdered. Even after being expelled from Rostov by our troops, the German generals and officers publicly boasted that they would return to Rostov expressly to settle accounts with the inhabitants, who had actively helped to drive the accursed enemy from their native city."

Upon the personal initiative of the command and officers of the units and formations of the German-Fascist armies, the advancing and retreating movements of their troops were often covered by peaceful citizens and preferably by women, old men and children.

Thus could act only people who had blasphemed and profaned all the laws and usages of war, and were fully accepted in place of celebrated directive of Keitel to the effect that "Human life in the east is worth exactly nothing."

I quote further extracts from the following Commissars memorandum:

"In addition to all that has been stated here, the Soviet Government has in its possession documentary material bearing on the systematically repeated atrocities of the German-fascist Command such as the use of Soviet civilians to cover German troops during battle with the Red Army.

"On August 28, 1941, German-fascist troops attempted to force the river Ipput. Powerless to overcome the stubborn resistance put up by the Red Army units, they called together the population of the Byelo-russian town of Dobrush, Gomel Region, and threatening to shoot those who refused drove women, children and old people before them, using them as a shield as they went into the attack in battle formation.

"The same dastardly crime against the civilian population was repeated by the German Command in the Vybori Collective Farm sector of the Leningrad region and also in the district of Yelna, Smolensk Region. The fascist blackguards continue to resort to this brutal and cowardly artifice right up to the present day. On December 8 the Hitlerites made use of the local civil population to cover their retreat from the village of Yamnoye, Tula Region. On December 12, in that same district, they assembled 120 persons --

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old people and children -- and made them go in front of their troops during engagements with the advancing units of the Red Army. In the fighting for the liberation of the city of Kalinin units of the German 303rd Regiment, 162nd Division, attempting to launch a counter-attack, assembled the women of one of the suburban villages, placed them in front of the troops and thus went into action. Fortunately the Soviet troops succeeded in driving a wedge between the Hitlerites and their victims in beating off the attack, thus saving the lives of the women."

In order to satisfy the needs of the German-fascist Armies, and in violation of all international conventions, the criminals clothes in the uniform of Hitlerites field officers utilized the civil population for especially dangerous work, such as clearing the mine fields.

I will quote an extract from the second part of this memorandum, which concerns the bestial treatment of the Soviet population by the German-fascist authorities.

"Wherever German troops and German autnorities have made their appearance on Soviet territory, a regime of brutal exploitation, tyranny and arbitrary rule has immediately been established over the defenceless civil population. The invaders have introduced a regime of penal labour for the civil population, which is ruined and deprived of its means of existence. Occupying or destroying the homes of Soviet Citizens, the Hitlerites drive many of them into concentration camps, utterly disregarding age or state of health, and compel them, under threat of torture shooting or death by starvation, to perform gratuitously various kinds of arduous labour, including work of a military nature. In a number of cases, civilians employed on one or another job of a military nature have been summarily shot to ensure secrecy.

"Thus, for instance, in the village of Kolpino, Smolensk Region, the invaders drove all the farmers to work on building bridges and dugouts for German units. Upon the completion of the fortifications, all these farmers were shot.

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"In order to keep secret the building of fortifications on the right bank of the Dnieper in the area of the Ukrainian village of Kryakov, upon the completion of this construction the Germans shot forty of the local inhabitants and Red Army prisoners who had taken part in the work.

"The inhabitants of a number of widely separated districts liberated by the Red Army unanimously declare that the Germans employed the civil population for the particularly dangerous work of clearing mines from sectors and objectives lying ahead of the advancing German units.

"A number of documents of the German Command seized by units of the Red Army during its offensive operations near Rostov show that the employment of the local population for particularly dangerous military work is provided for in special instructions of the German Command. For instance, an order to the 76th German Infantry Division dated October 11 states in Section 6, dealing with the clearing of mines: 'For work dangerous to life, prisoners and individuals picked from the local population must be employed.'

"This is only one of the many outrageous violations of international codes and of all human ethics which stain the record of the German Command."

In this memorandum attention was drawn to those criminal acts of the German military authorities which were to receive later still wider application. We mean the proclamation of Soviet civilians as prisoners of war.

I quote further:

"The German authorities pronounce the civil population whom they forcibly despatch for compulsory labour to be "prisoners of war", and they are treated as such. It has been established that in the despatches of the staffs of the German army, farmers and other civilians who have fallen into the hands of the Germans and who have been put at forced labour are automatically listed as prisoners of war, thereby artificially and unlawfully inflating their number. In this way the inhuman regime established by the German-fascist

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authorities for prisoners of war becomes the lot of the civilian population as well.

"Near the town of Plavsk in the Tula Region a camp was organized in which prisoners of war and the civilian population from the surrounding villages were confined together. Among the farm folk imprisoned in this camp were juveniles and old people. The food consisted of two potatoes and a bit of barley gruel once a day. No water was given the farmers in this camp and they were told to quench their thirst with snow. The number of deaths in the camp amounted to 25-30 persons daily. If the prisoners gathered in groups, the Germans opened fire on them without warning. In the village of Beresnyaki, Poltava Region, the German Command posted an order which stated the civilians failing to report for work would be shot."

When we consider the contents of the following Commissars memorandum we can figure out the crimes committed in Soviet territory, not by officer members of the special police units, but by the rank and file of the field units of the German army. However, I would like to complete a general characterization given to the criminal masses of the German army in the following Commissar's memorandum by describing a few concrete types, if I can use that expression of the "average criminals" clothed in the uniform of German officers and men.

I will thereupon submit to the Tribunal, I quote, extract from "The Minutes of the Court Martial held on 29 October 1944 by the military court of the 374th Liroban Infantry Division." These Minutes have been certified by the Supreme Court of the USSR.

This military court was investigating the charges offered against not the SS men, not a Nazi, but against an ordinary known party senior corporal of the German Army, 27 year old LeCourt. The latter was born and lived before the war in the town of Strafgardt, where he owned a movie theatre, and was later mobilized in the army, where he served in the 1st Company of the 4th Airborne Division. LeCourt was taken prisoner by Soviet troops in 1944.

I submit this document to the Tribunal as USSR-162.

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The Tribunal will judge by LeCourt's statements which I will present right into the record of the degree of moral degradation to which LeCourt had been driven by Nazi propaganda, and by all those conditions which he encountered in the German army, where the baser instincts of a soldier, far from being contained, were on the contrary encouraged and consciously developed.

I quote the part entitled "Criminal Investigation" beginning with the paragraph entitled "Excerpts from the Minutes."

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"Prior to my capture by the soldiers of the Red Army, i.e. until 4 February, I served as laboratory assistant in the Bicicyle Company, 2nd Regiment of the 4th Air Force Infantry Division in headquarters of Air Field E 33/XI.

"In addition to the pictures, I handled other work when not on duty, i.e. I shot, to satisfy my own interest, Red Army Prisoners of War, together with peaceful citizens. The unit to which I was assigned was located in the area of the city of Minsk. In the village of Mogaliza, adjoining us, there was a camp for prisoners of war.

"In September/October 1941 I went in to the prisoner of war camp, together with the Corporal (Obergefreiten) Kahlfeld, and we shot them for our own pleasure.

"In that way 577 men were shot by us in that camp. I personally had shot 100 prisoners of war during that time.

"In January, February and April 1942 I participated in the shooting of prisoners of war in the PW camp located in the village of Schaikowka. Altogether 750 prisoners of war were shot in this camp.

"I personally had shot more than 100 prisoners of war.

"I shot the prisoners of war because they worked badly, because they were sick and undernourished, because food was very bad.

"I do not know whether they were granted medical help. I did not investigate that question because I did not live in the camp and came there only to shoot the prisoners of war.

"I shot them and then again rode back to headquarters.

"There was no relationship of any kind between myself and the prisoners of war; I merely gave vent to my free will.

"Once I guarded 20 - 30 prisoners of war being transferred from Mogaliza Camp to Minsk; but they were not accepted in Minsk. I led them back to camp, and there they were all shot by me. In addition to shooting prisoners of war, I also shot Partisans, peaceful citizens, and burned down houses with people in them.

"In November 1942 I participated in the shooting of 92 Soviet citizens.

"From April to December 1942, when a member of the Air Force Infantry Regiment, I participated in the shooting of 55 Soviet citizens; I took care of the actual shooting. Among those killed there were old men and children. From September to October 1942 I was a member of the Special Detachment (Sonderkommando) of the 2nd Air Force Infantry Regiment, consisting of 30 men, and took part in the shooting of 500 Soviet citizens.

"In addition I participated in punitive expeditions and put the torch to houses.

"Altogether more than 30 houses in various villages were burnt down by me. I arrived in the village with the punitive expedition, entered the houses and informed the population that no one was to leave the houses, and that we would set the houses on fire.

"I set fire to one house, and no one was permitted to leave the house. When someone tried to save himself, or to flee from the house, he was driven back into the house or shot. In that way I burned more than 30 houses, and 70 peaceful residents, mainly old men, women and children.

"Altogether I have personally shot 1200 men"

(I skip six paragraphs and continue).

"The German High Command promoted the shootings and killings of Soviet citizens, it assisted my good work and my good service in the German Armed Forces, which found expression in the shootings of the prisoners of war and of the Soviet citizens.

"I was promoted to corporal (Obergefreiter) before my promotion would have been due, on 1 November 1941. The promotion should have come about only on 1 November 1942. In addition, I was decorated with the East Medal (Ostmedaille)."

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LeCourt was in no way an exception, and in confirmation of what I say, I will now refer to the verdict of the trial held against a group of former members of the German Army, who were brought to justice for committing atrocities against peaceful citizens, and prisoners of war in the town of Smolensk. The verdict is highly significant for it reveals in all their coloring the prisoners of ordinary criminals from the rank and file of German servicemen and junior officers of the German army.

I submit this document to the Tribunal as USSR-87, and beg the Tribunal to accept it as evidence, and join it to the record of the present trial.

I quote the verdict of the military tribunal of Smolensk Military District beginning with page 3, and the 9th paragraph from thetop of the page . . .

34-44 not missing
34 translated.

But need I continue? I believe that aspect of these criminals, a great number of whom ended their vile life on the gallows is clear to the Tribunal.

Thus by the thousands the acts of atrocities committed upon the peaceful citizens were learned to recognize the special train of "Average criminals" - - - the moral rotten executors, the criminal designs of the German officer leaders, and one learned to know the methods by which the crimes were committed - - these crimes by which the principle criminals intended accomplishing their plans for the extermination of peoples.

However, in order to understand who were the people who actually answered for the lives of the population of the occupied territories in the East, we must first define the mortal aspect not only of the average criminal, but also of the ring leaders of this gang of criminals.

At the summit of the heirarchy of German Fascism were those who determined the dates of the mass killings; who planned the railroad transportation of the condemned to the Eastern "Extermination Camps"; those finally who promulgated laws and issued laws legalizing of crimes, and insuring the impunity of the criminals.

I beg the Tribunal to allow me to refer to the "Diary" of a former socalled president of an academy of German law, and former governor general of occupied Poland, and an actual defendant under the charges of the present Indictment, Hans Frank. This "Diary" has already been submitted to the Tribunal by our American Colleagues, but only a short part of it was actually read into the record.

In the territories subordinated to French authorities, the laws which established special jurisdiction for the population of the Eastern District, and to quote Frank's expression, "The non Germans" were promulgated under his signature for the first time.

It is of the greatest importance for the evidence to establish the legal and ethical principle which inspires this man who called himself a "Colorful Jurist of National Socialism Period of Struggle", whilst promulgating these laws which sanctioned a regime of arbitrary lawlessness.

Frank's "Diary" was submitted to the Tribunal by our American

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Colleagues as US Exhibit No. 2233-PS, and put into the record. 223

I submit to the Tribunal an excerpt from Frank's "Diary" as ~~USSR-223~~. 11

In 1939 Frank was nominated governor general of the occupied Polish districts.

On 6 February 1940 he gave an interview to "Voelkischer Beobachter's" correspondent Kleiss. I quote this interview (page 7 of the "excerpts" entitled "Working conferences" paragraph II).

"Interview given by the Governor General to the Voelkischer Beobachter' correspondent, Kleiss, on the 6th February 1940, page 3.

"Kleiss: It might be interesting to develop the thesis which distinguishes a protectorate from a government general.

"The Governor General: I might, for example, state the following: In Prague, for instance, there were hung up red posters announcing that seven Czechs had been shot that day. I than said to myself: 'If I wished to order that one should hang up posters about every seven Poles shot, there would not be enough forests in Poland with which to make the paper for these posters. Indeed, we must act cruelly.'"

The offensive on the Western Front, which began on May 10, 1940, diverted the attention of world public opinion from the crimes committed under the personal direction of the first theorist of National Socialist legal "doctrines" in occupied Poland. This fact permitted Frank to have several thousands of representatives of the Polish "intelligenzia" condemned to death by court martial and physically exterminated. (Frank himself considered that 5,500 of the Polish intelligenzia were killed upon this occasion.)

I quote Frank's statement at the Police Conference, held on May 30, 1940, where this crime was finally discussed. I begin my quotation on page 8 of the "Extracts from the Diary" and I start with paragraph 6 (counting from the top of the page).

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"On the 10th of May began the offensive in the West, and on that day the whole world lost interest in the events which are taking place here. It would be quite indifferent to me whether all that which the awful propaganda and slander throughout the world alleges the National Socialist authorities to be doing in these districts was worrying the Americans, the French, the Jews, or the Pope in Rome. However, it is awful, both for me and for every one of you to hear unceasingly in the course of all these months from the Ministry of Propaganda, from the Ministry of Foreign Affairs, from the Ministry of the Interior, and even from the Army, that we are establishing a regime of murder, that we are to cease these crimes, and so forth.

"It is evident, of course, that we must proclaim that we will no longer do this.

"It is also evident that as long as these districts were under the cross-fire of the whole world, we were deprived of the possibility of undertaking something similar on a vast scale. However, since the 10th of May, we attribute no importance whatever to this awful world propaganda. We must now profit by the cnnvenient moment.

"If, there in the West, every minute and every second thousands of the best of Germans are compelled to shed their blood, it is our duty, the duty of National Socialists, to think of what has to be done so that the Polish Army may no longer rise and render futile these sacrifices of Germany.

"Therefore, the moment has come when I, in the presence of SS Obergruppenfuehrer Krueger, have discussed with my colleague Strechenbach this extraordinary program of pacification which consists of liquidating, as soon as possible, the mass insurgents, politicians of resistance, and the other suspect elements from a political point of view who have fallen into our hands, and, at the same time freeing ourselves of the inheritance of former Polish criminality.

"I admit frankly that thousands of Poles will pay for this with their lives and it will be, in the first place, the leading representatives of the Polish intelligentsia.

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"We National Socialists are obliged by this epoch to insure that the Polish people shall no longer be in a position to offer resistance. I know what a responsibility we are thus assuming." I skip one paragraph and continue:

"Furthermore, SS Obergruppenfuehrer Krueger and I have decided that the pacification measures will be speeded up.

"I pray you, gentlemen, to help us with all energy in fulfilling this task. As regards myself, I will do everything in order to facilitate its execution.

"I appeal to you as a champion of National Socialism, and have nothing else to say. This measure will be carried out by us, and, speaking frankly, it will be in accordance with an order given me by the Fuehrer. The Fuehrer said to me: "The problem of German policy and the fulfilment of its execution in the area of the Government General is a purely personal duty of responsible persons in the Government General."

"He expressed himself as follows: 'It is necessary to liquidate the leading kernel actually existing in Poland. Those who will grow up later must be apprehended, and then, after a period of time, also liquidated.'

"In order that the Reich organization of German police should not be burdened by this task, we must not intern these elements in German concentration camps because then we would have fresh worries, and we would have to carry on unnecessary correspondence with their families. We will liquidate them in the country itself. We will do that in the simplest form. Gentlemen, we are not bandits. For a policeman or for an SS man who is obliged by his service and according to these measures to carry out death sentences, this task is a terrible one. We can easily sign hundreds of death sentences, but to then transfer their execution to Germans, to decent German soldiers and comrades, is to entrust them with a terrible task. I am, therefore, very grateful to Dr. Siebert for having issued an order in which he directs the police organisms to pay attention to

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the physical state of those people who are responsible for the execution of death sentences.

"I pray you to obey this order as far as possible upon every occasion, and that is not all! Every police or SS chief who is obliged to carry out such sentences must be 100 per cent persuaded that he is carrying out the sentence of the German people. Therefore, in these cases, AB must be applied, i.e. measures according to the police and civilian legal codes, as I have agreed upon with Brigadefuehrer Strechenbach, in order that there should never arise the impression of arbitrary action or something of that sort. I understand that all measures concerned with the aforementioned will be carried through by the 15th of June. In any case, everything should be undertaken to that end.

"These cases do not concern the Amnesty Committee which is attached to my person. Operation AB is carried out exclusively by the Chief of the SS and Police Krueger and his organisms. This is a purely internal and indispensable punitive operation which surpasses the limits of normal procedure."

It was actually Frank himself, as the excerpts from his diary show, who first thought to create the special concentration camps, later officially known as "Vernichtungslager" or "Camps for Destruction."

I am here quoting the same speech by Frank (page 9, first paragraph from above):

"As to the concentration camps, it is evident that we do not wish to organize in the Government General concentration camps in the exact sense of this word. Every suspect person must be immediately liquidated. If internees from the Government General are now in concentration camps of the Reich, they must be submitted to operation AB or liquidated on the spot."

Quoting further from the same speech on page 23 of the excerpts, there are extracts from the Diary of Hans Frank (referring to the year 1940, paragraph 1, first column).

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"We can't expect the concentration camps in the Reich to take care of our own affairs. It is terrible how much trouble we have had with the Cracow professors. If we had started the thing right here it would have come out differently. This is why I want to ask you very persistently that never again do we send any one to the concentration camps of the Reich, but that we liquidate or conduct other necessary punishment right on the spot. Everything else is too much bother for the Reich and always leads to difficulties. Here we have an entirely different method of treating people, and we must stick to our own local methods. I want to draw your attention to the fact that even if peace is concluded, nothing will change in our treatment. Peace will merely mean that then, as a world power, we will carry into life the same general political line, only with greater intensity. Peace will mean that we will have to conduct colonization on an even grander scale than today. Peace will fundamentally change nothing."

In connection with this I would like to direct the attention of the Tribunal to the circumstance that all the largest "factories of destruction", these real factories of death, in Maidanek, Oswienzim, Treblinka, Sobibur, and many others were all located in the territory of the Government-General.

There was its own periodicity or cycles in the crimes of the Fascist criminals and in the proportions that they assumed, and if in 1940, Frank made a long speech to the policemen justifying the actions with regard to the several thousand of Polish intellectuals, then on 19 March 1944, in his speech at the Reichstag he stated (quoting page 22 of the excerpts, paragraph 7 from above):

"If I would go to the Fuehrer and tell him, "My Fuehrer, I am reporting to you that again I just destroyed 150,000 Poles," he would say, "Fine, if it was necessary."

This Fascist specialist on jurisdiction annihilated in the territory governed by him and which fell only temporarily into the hands of the Fascist invaders at least three million Jews. In this speech Frank said (quoting

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his speech at the labor meeting of the NSDAP operators in Cracow, 4th of March 1944, page 22 of the Diary excerpts, second column, 4th paragraph from above):

THE FOLDER WHICH BEGINS WITH 1 MARCH 1944 AND ENDS ON 31 MAY 1944.

Work Meeting of the Operators of the NSDAP of 4 March 1944 in Cracow.

Page 26.

"DR. FRANK. If there is some compassionate soul today who cries out about the Jews and says, "Isn't awful what is done to the Jews," then we should ask him if he still has the same opinion today. If today we had in the country two million Jews on one side and a few Germans on the other, taking into consideration the Jewish energy, we wouldn't be the master of the situation. The Jews -- it is a race that must be destroyed. Wherever we catch even one, we will do away with him."

The theme of the annihilation of the Polish Jews will be developed in detail in the section under crimes against humanity.

And only once did the former president of the so-called Fascist "International Palace of Justice" remember the subject of International Law. This was at a police meeting of the 25th of January 1943, when to one of the questions Frank replied (quoting from page 5 of the excerpts, first column, 7th paragraph from above):

Page 53. "DR. FRANK: I want to emphasize once more the fact that we must not fool around and be too soft when we hear about 17,000 people being shot. These persons are also the victims of war. Let's just remember that all of us here at this meeting are on the war criminal list of Mr. Roosevelt. I have the honor of being Number 1 on that list. We have become, so to speak, conspirators on the scale of world history. Because of that alone, and just because of that, we must keep together, share our ideas, and it would be simply absurd for us to carry our quarrels outside, or to argue about methods."

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And so the question of the 17,000 people who were shot to death was merely a question of method which should not be discussed in the open. As regarding International Law, Frank thought of it in the same way in which a bandit about to commit a murder suddenly recollects the existence of the punishment code of law.

In fact, Frank, who knew only too well that the taking of hostages represents a criminal violation of International Law, himself encouraged this violation.

Quoting Frank's speech of th 27th of October, 1943, at a governors' conference in Cracow:

GOVERNORS CONFERENCE OF 27 NOVEMBER 1943 IN CRACOW

"Since the 10th of October, the SD has detained a large number of persons who have committed a violation dated also the 10th of October. They were immediately condemned to death and will be shot. Their names will be posted on walls so that the population will know who they are and it will also be stated on these notices that they might have received mercy had the Government been assured that there would be no further murders of the Germans committed. For every assassinated German, ten Poles will be put to death. The same will be done with the Ukrainians."

This was in 1942, and on the 15th of January, 1944, at a meeting of the political leaders of the NSDAP in Cracow, Frank stated (quoting from page 21 of the excerpts, section entitled "from the 1st of January to the 2nd of February 1944", paragraph 3, second column from above):

THE MEETING OF THE POLITICAL LEADERS OF THE NSDAP IN CRACOW, JANUARY 15, 1944.

"DR. FRANK: .....I am not ashamed to state that for every German, one hundred Poles will be shot."

In these black times, the Polish people treated Frank's victims as martyrs. The Polish people cherished their memory. Scaffolds and shootings did not inspire fear but a will to resist and to struggle.

On 16 December, 1942, at a Government meeting in Cracow he stated (citing "Diary Excerpts", page 20, paragraph 8 from above, first column):

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"We must figure out whether it will always be wise to execute at the precise spot where the attempt to murder a German was made.

"We must also figure it out whether it wouldn't be possible to organize special spots where executions take place, as it is definitely established that the Polish population simply streams to the accessible places of execution, where it gathers the earth soaked in blood and takes this earth to church."

I brought Frank's Diary to your attention, Your Honors, because he was one of Hitler's closest associates and because this very well-known learned jurist of Fascism was actually a positive "alter ego" of those who cut in two the bodies of children in the Yanov Camp and was at the same time one of the creators of that part of the legal code of the German Fascists which completely negated justice.

After all, the whole poor juridical wisdom of the "Mein Kampf" fundamentally comes down to just one cruel formula, i.e. that "might is right" (quoting from page 740 of the 64th edition of the book).

Frank was for Hitler that necessary evil gnome of jurisprudence whom Hitler needed to clothe into legal form the inhumane theories of Fascism.

It was in Frank's directives that the later orders of Keitel, Jodl, and all other pronouncements of the idea of the "Special Jurisprudence according to the Plan Barbarossa" first found their expression.

Frank's directives were the starting point and the criterion for all the later orders, circulars, "laws", for all those whom he educated at the scientific meetings of his academy of jurisprudence.

THE "SPECIAL LAWS" OF DEFENDANT FRANK IN POLAND

How deep went the degradations of the basic ideas of justice, which are incorporated in the criminal and civil law of all civilized peoples, can be seen in the order regarding "putting down the opposition to German enterprises in the Government-General", which is being submitted to the Tribunal.

This document is submitted to the Court as USSR Exhibit No.335. It bears the date of the 2nd of November, 1943, and consists of an accredited

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copy of No. 62 of the official bulletin of the Government-General.

I quote this document in full.

"Document Nr. USSR-335.

"Official Gazette for the Government General.

"1943. Issued at Cracow. 9 October 1943. Nr. 82

"Date.		Page
23.9.43.	Decree concerning the validity of the Telephone Regulation in the Government General.	587
2.10.43.	Decree concerning the battle against attacks against German construction in the Government General.	589
7.7.43.	Directive concerning precautionary regulations in regard to work with explosives.	590

Decree

"Concerning the battle against attacks against German construction in the Government General.

"Of 2 October 1943.

"On the basis of Section 5, par.1 of the Fuehrer's decree of 12 October 1939 (Reichsgesetzblatt I, p.2077) I decree the following until further notice:

"Section 1.

"(1) Non-Germans, who violate laws, decrees, or directives and orders of the authorities, with the object of hindering or disturbing German construction in the Government General are to be punished by death.

"(2) Paragraph 1 does not apply to subjects of countries allied to the Greater German Reich, nor does it apply to subjects of countries not at war with the Reich.

"Section 2.

"The abettor and the accomplice will be punished in the same manner as the one carrying out the deed, the attempted deed as the completed deed.

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"Section 3.

"(1) The summary courts of the Security Police shall be the competent authority for passing out sentence.

"(2) For exceptional reasons, the summary court of the Security Police may hand over the matter to the German prosecution.

"Section 4.

"The summary court of the Security Police are composed of one SS Fuehrer of the office of the Commander of the Security Police and of the Security Service, as wel as of two members of this office.

"Section 5.

"(1) There shall be ordered:

1. The names of the judges
2. The names of those sentenced
3. The evidence on which the sentence was based.
4. The offense
5. The date of sentence
6. The date of the carrying out of the sentence

"(2) For the rest, the summary court of the Security Police will determine its procedure upon proper consideration.

"Section 6.

"The sentences passed by the summary courts are to go into effect immediately.

"Section 7.

"Insofar as a crime as defined in Section 1 and 2 of this decree constitutes another crime punishable by summary court procedures, only the procedrual provisions of this decree are applicable.

"Section 8.

"This decree is effective as of 10 October 1943.

"Cracow, 2 October 1943.

The Governor General

Frank."

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In this manner, point one of the first paragraph established one single punishment, i.e. death, for practically any action of the non-German, regardless of whether such action was classified by the Germans themselves as constituting a breach of law or a violation of an administrative order.

The same punishment was to be administered for any attempt toward action interpreted as directed against the Germans and which for that reason any police official could so classify (paragraph 2 of the above quoted document").

Defendant had no rights and no guarantees. The document which in accordance with paragraph 5 was to take the place of the court verdict was actually for purposes of registering in the written form the individual punishments and executions, and was not at all for the purpose of guaranteeing that the punishment was legal or had any basis.

All complaints or appeals to the high authority were forbidden. The verdict was to be executed immediately.

And, finally, even the court procedure, itself founded on the basis of Frank's directives, was actually merely a mockery rather than justice. The court consisted of the three officials of the same SD which kept arresting innocent people on the streets of Polish towns and organizing mass shooting of the hostages wantonly.

How justified are the conclusions which are made on the basis of the aforementioned document you shall see from the text of another document submitted to the Tribunal as USSR Exhibit No. 332.

The document consists of the testimony of the underground Polish leader, Attorney Stefan Korbonski, who was questioned under oath by the prosecuting attorney of the Warsaw District Court. The document was properly certified in accordance with the legal procedure demanded by the laws of the Polish Republic. I quote this document.

WITNESS'S TESTIMONY - GIVEN ON OATH
WARSAW 31 OCTOBER 1945.

"The following testimony was taken by the prosecuting attorney of the District Court of Warsaw, K. Shwarz, who was attached to the Ministry of Justice. 57

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"The following is the testimony of Stefan Korbonski, the son of Stefan, and Wadislavi nee Kerner, born 2 March 1901 in Pajia, the District of Viebuen, who is a lawyer by profession, belongs to the Roman Catholic Church, and lives in Lesnaia Podpova near Warsaw on Zamkowa Street (the house has no number) in the house of Mrs. Limonowska. The witness who has never been arrested or brought to court, after he was informed of being subjected to criminal responsibility for testifying falsely, he gave the following:

'Beginning with the second half of 1941 and until the end of 1942 I was the leader of the resistance movement directed against the German occupant of the whole territory of Poland. Subsequent to that, and up to the end of the German occupation I was a member of the committee which directed the Polish resistance movement. For that reason the question of the German repressive measures against the Polish Government is well known to me from the reports of the other members of the underground, and from my own personal experiences.

'I. At the beginning of October 1943 the Germans posted on the walls of the Warsaw houses, and in other cities of the Government-General as well, the order about putting an end to hostile actions directed against German reconstruction enterprises in the Government-General. This order was dated 2 October 1943, and was signed by Governor General Frank. It was both in German and Polish tongues, and gave reference from the Fuehrer's decree of 12 October 1939. Part I, paragraph 5, published in the official German newspaper Reichsgesetzblatt I, page 2077.

'This decree was also published in the Verordnungsblatt fuer das General Government of 9 October 1943 as No. 82/9043. The first paragraph of the decree was as follows: "The non-Germans who for the purposes of increasing the difficulty of sabotaging German works with regard to the reconstruction of the Government-General, who do not follow laws, decrees, orders, or directives of the authorities, shall be subject to the death penalty."

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(Page 2, USSR-332). 'Soon after the publication of this decree and quite independently from the increasing number of death penalties secretly applied by the Germans in what used to be the Warsaw Ghetto, and in the Warsaw jail, which was called 'Pavwiak', the Germans began to introduce public executions, that is, shooting of large groups of Poles, from twenty to two hundred persons.

'These public executions were performed in the various districts of the City, from the streets usually opened to normal traffic, which were then surrounded by the Gestapo guards so that all the population caught within the surrounding district would have to watch the execution either from the street, or from the windows of the houses in the neighborhood.

' The person shot during these public executions consisted either of members of the 'Pavwiac' or other persons arrested in the street by other means as well, and sometimes even the people caught immediately before the execution at the number of these public executions, as well as the number of persons executed each time kept increasing until it reached two hundred persons. These executions continued up to the very beginning of the Warsaw insurrection. At first the Germans brought the Poles to the place of execution in covered trucks. They were usually in civilian clothes, and sometimes their hands were tied behind their backs, but when the victims thus brought to the place of execution had given a yell, "Down with Hitler, Vive Poland, down with the Germans", and similar things, then the Germans begin to attempt to cut down the possibility for any troubled expressions and begin to fill their mouths with cement, or seal their lips together with tape. The victims were brought from the 'Pavwiac' clothed in shirts, or in clothes made out of paper.

'The victims were usually shot in groups of ten by means of revolvers or machine guns; the wounded were finished off by revolver shots, while supplementary victims waiting for their

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turn were watching the procedure.

'I formerly received information from our underground organization, and through our agents who were working in the 'Pavwiac' prison, that shortly before the execution the Germans sometimes performed operations over the condemned. They would let out the blood, and injected various chemical substances to cause physical weakness, and thus prevent different attempts for escape, or resistance from whatever could have been possible.

(page 3) 'For that reason the condemned were brought to the places of execution pale, weak, apathetic, and barely able to stand on their feet. Even so, however, they usually behaved like heroes, and did not ask for mercy. The bodies of those just shot were loaded in trucks by the other prisoners, and taken to what used to be a Ghetto, where they were burned. The prisoners whose duties it was to transport and burn the corpses were primarily prisoners from the 'Pavwiac', and were always appointed to this task.

'The Polish population immediately covered with flowers the blood spot left in the earth. Lighted candles were placed where the corpses laid, and on the walls surrounding the places crosses and Ikons were displayed. During the night members of the underground organization used lacquer to put on the walls inscriptions like these - "Glory heroes, glory to those who perished for the Fatherland", and so on. When the Germans would notice these inscriptions, they would arrest anybody who happened to be at that spot, and would take these persons to the 'Pavwiac' prison. Sometimes the Germans would shoot at groups of men gathered there, and praying in the places where the execution had just taken place, as, for example, on Senator Street where several people were thus shot and quite a number were wounded.

'After each public execution the Germans would paste on the walls lists of those just executed and under each name there would be a number of hostages listed, who also would be shot in case

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the German regulations were not followed.

"In Warsaw alone the Germans shot several thousand Poles by the method of these public executions. In the Cracow District several thousand men were similarly shot."

In this manner Hans Frank's directive, which I have already submitted to the Court, was realized in life. It becomes clear from Korbonski's testimony why, on the 16th of December 1943, there appears in Frank's Diary an entry regarding changes in the procedure of applying punishment by death. It was on Polish territory that for the first time the legal code of the right of the master race and the lack of right for the subject people or for the peoples whom this Fascist master race already considered conquered was first applied.

The report of the Polish document, already submitted to the Tribunal by my colleagues, in accordance with the 21st Article, gives a brief review of that regime of wanton terror which was established in occupied Poland under the guise of the special legal code.

This report of the Government of the Polish Republic is submitted to the Tribunal as USSR Exhibit No.93, quoting the report of the Government of the Polish Republic, page 14, paragraph 5.

"In the Government General justice was especially changed by the decree of October 26, 1939. It bears Frank's signature.

"Polish law courts were subordinated to German law courts, which had been installed within the Government General. They only could judge such cases in which the German law courts were not competent. New principles of right became valid. Penalties were imposed according to "intuition", the defendant was robbed of his right to choose a defense counsellor and to appeal. German law was introduced, Polish law was Germanized."

Continuing to quote from page 51 of the Russian text of this document, beginning with the third paragraph entitled "Five Judicial Murders."

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"Legal murders. On December 4, 1941, a decree was signed by Goering, Frick and Lammers (mentioned above) which put all Poles and Jews within the annexed territories outside of the law. The decree made Poles and Jews into a different and second class group of citizens. According to the sense of this decree, Poles and Jews are forced to render unconditional obedience to the German Reich, but on the other hand they have, as second class citizens, no right for the protection of the laws as other citizens.

"In general German criminal procedure is observed, but exceptions are permitted if the court is of the opinion that a rich measurement of justice needs some kind of variations from the formal way. In such cases sentences may be rendered even if they are contrary to the accepted rules of the procedure. In this way the law has seemingly certified illegality. Death sentence was automatically applied as soon as Jews or Poles committed an act of violence on a German on account of his nationality. Death sentence was to be imposed in the following cases:

"1. Removal or public damage of posters, placed by German authorities.

"2. Acts of violence committed against members of the Armed Forces.

"3. Insult of the Reich's prestige or violation of her interests.

"4. Damage of goods destined for German authorities.

"5. Damage of objects destined for public works.

"6. Attempted disobedience to directions of German authorities and many other cases, which really would only justify a sentence of a short term of custody.

b) attached photos of these German proclamations show very clearly how the death sentence was applied and for what kind of violations it was imposed.

c) No Pole - so says the official Nazi instruction - is allowed to approach a German woman, for reasons not to desecrate the noble blood of the "Master race." The one who dared to do that, or even tried only to do it, was unhesitatingly executed. But not only the court, the German law court had to impose judgment in these cases. It was considered as unnecessary to start a

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long law suit. A common order by the police was enough to rob people of their lives. This concerned especially Poles who were shipped to Germany for enforced labour. Polish workers were hanged on account of this decree of the Reich Leader SS."

LEGAL TERROR OF THE GERMAN FASCISTS IN CZECHOSLOVAKIA

Czechoslovakia was one of the first countries of Western Europe which was subjected to the German Fascist aggression. In this country, also, we can follow systematically the destruction on the part of the Hitlerites of all the accepted moral and legal forms of conduct. The report of the Czechoslovak Government, already submitted to the Tribunal by my colleagues as USSR Exhibit No. 60, narrates in detail this process, beginning with the so-called "people's courts" and ending with the organization of the so-called "Standgerichte", familiar to us already from the picture of the Nazi activities in Poland.

I shall quote here several extracts from the report of the Czechoslovak Government where the activity of these Standgerichte is characterized.

Beginning on page 110 of the report in the first paragraph from below:

"The granting of the power to proclaim a state of civil emergency was already applied on 28 September 1941. Through the decision of the same date (enclosure 12) signed by Heydrich, the state of civil emergency was proclaimed for the territory of the Oberlandrat Prague, among others Bruenn, and a few days later for most of the remaining parts of the protectorate.

"The summary courts which were set up at this time, and were active during the entire period, proclaimed 778 death sentences (which were all carried out) and delivered over 1,000 people to the Gestapo, that is to concentration camps. These figures are the result of investigations previously carried out. The final figures are possibly considerably higher. The only determination concerning the establishment, the setting up and the final form of these "summary Courts" are to be found in the decree 27 September 1941 (V.BL.R.Prot., P.527)."

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I shall omit one paragraph and will continue with:

"Also, it is not established in the decree as to who may take over position of judge, in the "summary courts", whether professional or lay-judges are to be appointed, whether the sentences are to be decided by a tribunal or by a single judge. In the decree it is merely stated: "summary courts" are to be set up by the Reichs-protektor; he chooses the people who were to carry out the duties of the office of a judge. Since his choice is in no way restricted, he can if he wishes choose professional judges; should he, however, consider it better, he can choose exclusively lay-personnel. Whether they should then function as individual judges or as members of a tribunal is also entirely a matter for the Reichsprotektor to decide.

"Judging from the information that we have at hand so far, the judges for these summary courts were professional judges only in exceptional cases, if at all. As a rule, knowledge of law was not the decisive factor in the choice; the most important attribute was political reliability. That is the reason that judges, almost without exception, were NSDAP members and most of the members of the Executive Committee of the NSDAP or one of the many other Nazi organizations.-- that is, therefore, men who with some exceptions possessed not the slightest knowledge of the law, or knowledge of how trials should be conducted."

Going on to page 114-U, I am quoting the last paragraph:

"Summary courts were never held publicly. Inasmuch as there were not in most cases any serious grounds (certainly not as generally considered) for excluding the public, we find here again a shocking violation of principles which are maintained by the laws of all civilized countries. This violation of a generally recognized principle has obviously no other basis than the terrorizing of the inhabitants of the occupied territories. They are threatened by a trial that nobody witnesses; which nobody understands exactly; nobody knows which deeds are particularly

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punishable. In as much as the public has no admittance to the procedures of this summary court the mere existence of this so-called tribunal increases the uncertainty of the existing legislation.

"There was no appeal against the sentences proclaimed by the summary courts. (Para. 4, Sec.3 of the decree).

"The record of the procedures of the summary court contained nothing but the names of the judges, the defendants and the witnesses, plus the registration of the crime, and the date on which the sentence was passed. (Para 4, Sec.2 of the decree).

"Regulations which have as their object only such incomplete records, indeed directly order such incomplete records, can have only one object: to prevent any check, by making secret everything that occurred during the trial and so to blot out all traces of the procedures.

"According to para.4, Sec.1 of the decree, summary courts could pass only death sentences or hand over the defendants to the Gestapo. The decree gives no indication as to which of these two punishments is to be regarded as the milder one. The summary courts have apparently very rarely made use of the third possibility, acquittal, which is mentioned in para.4, sec.1. This was without doubt also the object of the so-called legislators, to whom the idea of an acquittal was so distant that he neglected to provide a form for the record, not even in its general features for such a case. (See para.4, sec.2 of the decree, which mentions only "the condemned" but not the "defendant").

"Death sentences passed by the summary courts must be carried out immediately. (Para 4, sec.3 of the decree). Many examples have demonstrated that this brutal National Socialistic legislation was never carried out in milder form. At the end of the so-called trial it was left to the judges to decide whether the condemned should be shot or hanged. (See para. 4, sec. 3 of the decree).

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"One did not grant to the condemned person even a short reprieve in order to prepare for death. A pardon was not even taken into consideration in the decree, in any case, it would have been possible in view of the brutal haste with which the sentences of the summary courts were carried out."

The last extract will begin on page 117, third line from above.

"The summary court can certainly not be considered as tribunal, nor the procedures which took place as trials and sentences. Executions conducted as the carrying out of sentences of summary court differ in no wise from other executions without trial; they must be regarded as murders.

"It is impossible to find even a trace of humaneness in the regulations which determine the methods of procedure of the summary courts. The regulation, for example, which sets out that the sentence shall be carried out immediately, and the fact that not the smallest period of time was granted to the condemned to prepare for his death, is a form of brutality which, like the summary courts as a whole, was meant to serve the purpose of terrorizing the population."

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Terroristic "laws" and directives of the Hitlerite criminals regarding the civilian population of the Soviet Union.

However, having started a criminal war against the USSR, the German Fascist gang of bandits considered these laws and "legal" principles, especially created for the justification of their crimes, insufficient.

I will recall to the Tribunal Hitler's words in answer to Goering during the conference held on the 16th of July, 1941. I quote these lines from Document L-221, submitted to the Tribunal by the American Prosecution and read into the record for 1945:

"The gigantic territory must, of course, be pacified as soon as possible. The best way to attain this objective was to shoot anybody who simply cast an ugly look." (page 5).

In fact, all these special instructions regarding "special jurisdiction" for the Eastern districts, or the application of the practice of mass killings or the establishment of a regime of terror towards the civilian population served in the execution of these designs.

The active and forward part of the nation was supposed to be physically exterminated according to these directives of the German Supreme Command and Reich Government. However, the German Fascist murderers intended to carry out the annihilation of the more active sector of the nation in such a way as to terrorize the remaining part of the population and to deprive it of any will for resistance.

The further extermination of this part of the peoples of the Soviet Union with the principle where the criminals intended to carry out by way of utter exhaustion through unbearable labor under conditions rendering human existence impossible.

In confirmation of this fact I beg the Tribunal to allow me to refer to certain documents, part of which have already been read into the record. I will strive to summarize this principle defining their relations to the Soviet population which were obligatory of having every German sent to the East, as well as those rules and aims which determined the ways of execution by mass repressive measures; as well as annihilation of people in those terms as they were dictated by the leaders of German Fascism.

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I quote directive of Keitel regarding communist movement, dated 16 September 1941. This directive was submitted to the Tribunal by American Prosecution as US Exhibit P-96 (?). It is stated . . . .

"One must bear in mind that human life in those countries which it concerns is of no value whatever, and that intimidating reaction is only possible in the form of application of extraordinary cruelty."

I will now quote excerpt from directive sent by Keitel on 23 July 1941, and entitled "Supplement to directive No.3". This directive was submitted to the Tribunal by the American Prosecution as US Exhibit 459-PS and read into the record for 1945.

6. "In view of the vast size of the territory in the East to forces is available for establishing security in these areas will be sufficient only if instead of punishing resistance by sentences of guilty in court of law, the occupying forces spread such terror as is likely by its mere existence to crush their will to resist amongst the population.

"The respective commanders together with the available troops should be made responsible for maintaining peace within their areas. The commanders must find means of keeping order within their areas, not by demanding more security forces but by applying suitable drastic measures."

At the beginning of 1942 units of the Red Army seized a very characteristic document issued by Field Marshal von Reichenau, the commander of the Sixth Army, approved by Hitler, and entitled "Concerning the Behavior of the Troops in the East."

This document is not dated. It was first published in the memorandum of the Peoples Kommissars for Foreign Affairs of the USSR on the 27th of April 1944.

In the first days of January 1946, this directive of Reichenau was read into the record by the American prosecution as Exhibit Number _____.

Presenting con Reichenau's directive as USSR Exhibit 12, I quote from it only four lines:

First, the fifth paragraph of Page 1 (counting from the top of the page,

"The feeding of inhabitants of the country and prisoners of war, who are not in the service of the Wehrmacht, at army kitchens is just

as much an act of misunderstood humanity as giving away cigarettes and bread."

Second, on Page 2, Line 19 (counting from the top of the page:)

"The fear of German counter-measures must be stronger than the threat of the Bolshevist remnants still wandering around."

I deem it necessary to dwell longer on a document which bears the imprint of that same pseudo-legal terminology and argumentation which is so characteristic of the ordinances of Hans Frank.

I submit to the Tribunal as USSR Exhibit 108 a circular directive of the Reichsicherheitshauptamt, Number 567 (42-176), dated 5 November 1942.

I quote this document, beginning with .2.

"P....'This decision is based on the fact that the Poles and other peoples are foreigners and members of the lower races inhabiting the Reich territor Hence, there arises considerable danger to the German people from this great presence of foreigners on its territory and the necessity of applying to the foreigners a different legal code.

'This necessity did not receive sufficient attention. So far the special criminal code of the 4 of December, 1941 for the special criminal procedure, with regard to the Poles and the Jews, has not been applied elsewhere. (See PS-136, I. 55759 -- Reichsgesetzblatt, page 1, 759).

'What is more, this special rule still does not provide the basic solution of the problem which arises from the Germans and the foreigners living side by side. It merely contains somewhat stricter regulations for foreigners and somewhat more simplified criminal procedure which is to be applied to the Poles. The new code does not really place enough importance on the basic question that for reasons of political security and state politics, the foreigners should be treated quite differently from the Germans. Even in spite of the principle of greater strictness, on the whole, it is the typical methods of the German procedure that are still being applied to the Poles.

'In deciding on the punishment for any given crime, that is in carrying out the verdict for the crime committed by a Pole, the judge

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still preserves the same point of view which he has when pronouncing a verdict on a German. His point of view fundamentally consists of the assumption that the crime has been committed and that the punishment should harmonize both with the nature of the crime as well as its motivation and must also be in the interests of society as a whole.

'Such considerations, however, regardless how correct they may be when a crime is committed by a German, are simply not justified where a foreigner is concerned. There the motivation for the crime should not be taken into consideration at all. The only decisive factor in making a decision or in pronouncing a verdict should consist of just one consideration, that is: Does it threaten the orderly manner of life for the German people and for that reason, not to allow anything like that to happen in the future, what should be done? In other words, the action of the foreigner should be examined not from the point of view of a violation of the legal code but from the viewpoint of its result on the life of the German people.

'It derives from this that the criminal investigation and punishment of foreigners should be taken away from the organs of justice and transferred under the jurisdiction of the police.'"

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Thus in those territories of the occupied countries where the SS followed upon the steps of the aggressors' troops, the civilian population was abandoned to the arbitrary will of the specially trained and cruel representatives of German Fascism's police forces.

I quoted a document, dated November 1942, but this document merely clothed in pseudo-legal forms those actual relations which existed a long time prior in the East of Europe and in the occupied districts of the Soviet Union annexed to the Reich.

I will now refer to the document entitled "Directives for specialareas to Order Number 21 (Case Barbarossa)", which was submitted to the Tribunal as US Exhibit 447-PS, and read into the record on the 10th of December 1945. These directives were issued by a Supreme Command of the German Armed Forces on the 13th of March 1941, i.e., more than three months before the attack upon the USSR. Therein the German Government foresaw the transfer to the Reichsfuehrer of the SS in the theater of military operations of special rights for the fulfillment of special tasks. These tasks, as was stated in the directives, "result from the struggle which has to be carried out between two opposing political systems." "Within the realm of these tasks the Reichsfuehrer SS shall act independently and under his own responsibility."

We know what sort of a person this Reichsfuehrer SS was. Among the numerous stratagems of Himmler I will merely read here one quotation, which is, however, characteristic as a leading directive to the responsible officials of the SS subordinated to Himmler, and to whom he was addressing himself.

On the 4thof October 1943 at a conference of the SS Gruppenfuehrers at Poznan, Himmler said . . .

> "Ob die anderen Voelker in Wohlstand leben oder ob sie verrecken vor Hunger, das interessiert mich nur soweit, als wir sie als Sklaven fuer unsere Kultur brauchen, anders interessiert mich das nicht. Ob bei dem Bau eines Panzergrabens 10 000 russische Weiber an Entkraeftung umfallen oder nicht, interessiert mich nur insoweit, als der Panzergraben fuer Deutschland fertig wird."

This document was submitted to the Tribunal by the American prosecution as US Exhibit 1919-PS, and read into the record on the 19th of December 1945. I quote six lines from Page 23 of this document:

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"Whether nations live in prosperity or starve to death interests me only in so far as we need them as slaves for our culture. Otherwise it is of no interest to me. Whether 10,000 Russian females fall down from exhaustion while digging an anti-tank ditch interests me only in so far as the anti-tank ditch for Germany is finished."

Legalization of mass murders and annihilation of peaceful population of the Soviet Union, which were carried out by the Army with the purpose of terrorization, were introduced by Hitler and his clique as early as May 13, 1941, one month in advance of the beginning of the war.

It is at this time that the well-known directive "Application of military jurisdiction and procedure in Area Barbarossa and special military measures" was issued under Keitel's signature. This document was read under Number C-50 by the American prosecution on January 7, 1946. I request the permission of the Tribunal to recall some of the basic statements of this document.

All cases of the so-called crimes of the "hostile

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civil persons" were drawn from the jurisdiction of military tribunals. The reprisals against the "hostile civil persons" were to be carried out directly by the troops, who were directed to use "the most severe measures for the annihilation of the adversers."

(Page 64) The necessity of establishing the guilt was not directly required. The suspicion was considered as sufficient grount for the imposition of the death sentence.

This is directly stated in Paragraph 4, Part 1, of the instructions:

"The suspected elements should be immediately brought before the officer. The latter decides whether they have to be shot."

The criminal system of joint responsibility and mass reprisals was officially established.

The second sentence of Paragraph 4 of Part 1 of the instructions stated as follows:

"With respect to inhabited localities where the Armed Forces were perfidiously or treacherously attacked, mass reprisal measures have to be put into effect immediately by order of an officer with a rank not below that of a battallion, if circumstances do not permit to find quickly those actually guilty."

"The suspected" were subject to annihilation in all cases -- this is stated directly in Paragraph 5 of Part 1 of the instructions.

"It is absolutely prohibited to keep the suspected persons for trial after the courts will be set up for the local population."

The trial of civilian persons before military tribunals (and we know well what kind of "trials" were conducted by the German military courts with respect to "hostile civil persons") was permitted only as a special privilege and even then only in localities "sufficiently pacified."

Such were the instructions which were accepted by the largest number of the personnel of the German Fascist Army (This we will show later) as a direct instigation to the commission of mass murders of peaceful people.

(Page 65) In localities evacuated by regular troops the right of applying arbitrary practices against the civil population passed into the hands of the SS.

I already have referred to this above, but perhaps it should be

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emphasized that this was repeatedly confirmed by the Hitlerites. So, for instance, in his notes regarding the conference with Himmler on the 18-IX-1942 (This conference took place in thepresence of Rosenberg, Grppenfuehrer SS Streckenbach, and Obersturmhannerfuehrer Vender), the Reichsminister of Justice Tirach made the following quotation. I quote paragraph 14 of the document which was presented by the American prosecution under Number 654-PS.

194, and read into the proceedings.

"14. Taking into consideration the aims and purposes of State leadership with respect to the solution of the Eastern problem, it was agreed that in the future Jews, Poles, Gypsies, Russians, and Ukrainians, who committed crimes were not to be tried by ordinary courts but are to be sentenced by the Reichsfuehrer of the SS. This does not apply to civil claims nor to those Poles whose names are placed on the list of German Nationals. Signature--Tirach."

I have already given above examples of most painful executions of innocent people committed by officers and soldiers belonging both to special police units as well as to regular field units of the German Fascist Army.

These fanatical outrages of the German Fascists, as well as many others, which I am going to present to you later on, were not the result of pathological cruelty and sadistic instincts of the perpetrators. They were inspired and regulated from above.

The can be proven by the directives of Keitel of the 16th of September, 1941, which was quoted above. I remind the Court of the last six lines of Paragraph B, Article 3 of this document:

"As atonement for the life of a German soldier in these cases should be as a rule the shooting of 50-100 Communists. The method of execution must intensify the terrorizing effect.

(Page 66) "Any other line of conduct, and particularly one which would involve relatively mild punishment , and limited only to a threat of application of more severe measures, would not be in agreement with these basic rules and therefore should not be followed."

However, only a certain part of executions carried out by the Hitlerites had to be done in public and performed as terrorizing functions.

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A large part of the mass "actions" affected by the German Fascist criminals pursued other purposes -- a secret physical annihilation of huge masses of people. These atrocious practices were carried out, not only without any advertisement, but they were executed in a most secret way.

So, for instance, all "annihilation camps" were wrapped in deep mystery. On the part of the Fascist leadership this was not due to any conscientious principles. Thereasons were, first, cruel perfidity and then the fearof reckoning. It wasn't an accident that Hans Frank recalled that he was placed on thelist of war criminals and had reminded of that fact his accomplices.

In confirmation of the above, I present to the Tribunal, under Number USSR-3, as unquestionable documentary evidence, in compliance with Paragraph 21 of the Charter, a report of the Extraordinary State Commission under the title of "The directives and orders of the Hitlerite Government and the German Military Command on the Annihilation of the Soviet people."

The first part of this document refers to the order in which mass "so-called executions" had to be carried out in camps where peaceful citizens and war prisoners were kept.

I quote Part 4 of this report, Page 6 of the Document, Paragraph 4.

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4. Attempts on the part of the German-fascist murderers to conceal their crimes.

The Soviet citizens who had fallen into the hands of the German - fascist beasts were "annihilated" with inhuman cruelty. At the same time, however, the German authorities attempted to conceal their crimes by means of a thick veil of secrecy. This fact is proven by numerous orders of the German High Command and the German Police.

The operational order No. 8 of the Chief of the Security Police and SD, dated 17 July 1941 states in this connection : "Executions are not to be carried out in the camp itself or its immediate vicinity. In case camps in the Government General are situated in the immediate vicinity of the border prisoners of war are to be transported - whenever possible - into former Soviet territory for special treatment. If executions prove to be necessary because of a breach of camp-discipline the leader of the special operational units is to address himself to the camp commander.

Appendix No. 2 to oder No.11, issued by the staff of the High Command of the German Army, states : "The activities of the special operational unit have to be executed with the permission of the commanders of the rear areas (district commander in charge of PWs) in such a way, that the process of assorting is accomplished in the least noticeable manner. Liquidations are to be carried out without delay and at such a distance from the camp and inhabited places as to guarantee their being kept sectret from the remaining PWs and the population."

In Appendix No. 1 to the operational order No.14, issued by the Chief of the Security Police and SD and dated "Berlin, 29 October 1941, No.21, B-41, RS-4A IC, confidential, important government matter" the following "procedure" for the carrying out of "executions" is recommended. "The leaders of special operational

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groups will make decisions concerning executions on their own responsibility and will issue directives to that effect to the special operational units. These units have to demand of the camp authorities thesurrender of the prisoners for the purpose of carrying out of the measure prescribed in the directives. The High Command of the Army has directed the officers of the camp commands to comply with these requests. Executions are to be carried out at such locations where they cannot be observed, and at places suitable for that purpose, at any rate not in the camp itself or its immediate vicinity. Care has to be taken that the bodies are cremated without delay and in the correct manner.

This is pointed out once more in the appendix to the directives for the Security Police and SD units, which were signed by Heydrich and sent to the PW camps: In conclusion, I point out once more, that executions must under no circumstances take place in the camp itself or its immediate vicinity.

As previous findings of the commission have shown the "executions" took on such proportions at last, that the Nazis carried them out in the camps and in the vicinity of the camps, anyway.

In the communication of the Extraordinary State Commission which I have just presented, official German Documents were introduced in which for the first time (when they were issued by the Fascis Authorities) mention was made of the term "Sonder-kommando" ! For the Occupied Eastern Territories this was a term of extremel evil omen as from the very first months of German domination.

S - I

The "Sonderkommands" were recruiters from the ranks of the SS , the Security Police and the SA. It were precisely the "Sonder-kommands" who realized in practice and organized the entire process of mass annihilation of persons, first by declaring them unreliable and arresting, and finally - by operating the gas-chambers and the "Dousheguhki" (Gas-vans). Their authority for

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executing inhuman mass "acts" was extremely extensive.

"Sonderkommands" usually appears there were an a priori decision had been reached for the mass distruction of peaceful citizens. Mobile Sonderkommands existed to whom whole territories were assigned for destruction. A considerable number of "Sonderkommands" were incorporated in the so-called operative "Group A". The statistical report of the murderous activities of this Group was submitted to the Tribunal by the American Prosecution in the shape of a plan.

The "Sonderkommands" represented some of the most brutal and cruel mechanism, created by the German Fascists for the purpose of murder.

The communication presented to the Court by the Supreme State Commission included German documents testifying to the organizations in concentration camps for the peaceful population and for Prisoners of War.

I quote sections I and II of the Document submitted, starting from paragraph 4 of Section I (reading from the top of the page):

The Extraordinary State Commission is now in the possession of German documents which were seized in Kiev by the representatives of the Soviet Government. These documents were found in a safe in the building where the Gestapo had its quarters during the German occupation. They contain operational order of the Wehrmacht, of the Reich Minister for the Eastern occupied territories, of the Chief of the SP and SD as well as other documents which regulate the measures to be taken to clear th camps for Soviet prisoners of war and civilians of "suspicious people".

From these documents can be seen that the only "Cleaning Method" used by the German Fascist authorities consisted in mass murders of terrifying extents, which are designated in the documents as "Executions", "special treatment", "liquidation", "special measures" and "clearing measures".

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These documents are under the date of the first months of the German attacks on the USSR, the period from July to December 1941 The importance of these documents is evident from the fact that they are all stamped "confidential, of state importance" "confidential, top secret".

In order to eliminate the danger that these documents which reveal the crimes of the German Fascist Commanders-in-Chief and their blood thirsty plans for the physical destruction of the Russian people, should fall into the hands of the Red Army , the operational order No.14 of the Chief of the German police ruled :

"I herewith give you the strict order to destroy immediately in case of danger the operational orders No. s 8 and 14 as well as the additional supplements concerning these matters."

An order of the OKH No.11 dated 7 October 1941 emphazised in particular:

"The distribution of this order in writing (not even excepts therof) is prohibited. District commissioners who are dealing with matters pertaining to prisoners of war are to be informed of the contents orally".

2. Preparations for the mass annihilation of Soviet prisoners of war and civilians.

The discovered documents show that the Nazi Commanders-in-Chief, even before the attack on the USSR, had devised lists, prepared information directories and conducted the necessary inquiries about leading Soviet workers who were to be annihilated in accordance with their bloodthirsty plans.

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In this way they prepared a "Information directory for the USSR", a "Information German Directory", "lists to ascertain the whereabou of persons" and other similar" information directories and lists", which should fascilitate for the Nazi murderers the annihilation of the educated part of the population for the USSR.

The document entitled: "Supplement No. 2 to the operational order No. 8 of the chiefs of the SP and the SD" dated "Berlin, 17 July 1941", signed by Heydrich who at that time acted as Himmler's deputy, mentions however that the lists and directories are insufficient and emphacises in particular that the initiative of the murderers should not be hampered. The document states: "It is impossible to lend any assistance to the commandos in the execution of their work. The "German information directory", the "lists to ascertain the whereabouts of people", the "special information directories for the USSR" will only be useful in a few cases. The "special information directory for the USSR" is incomplete because it contains only an insignificant number of Soviet Russians who mus be considered dangerous elements."

After the thevish attacks on the USSR and the occupation of a number of Soviet territories, the Nazis began the planned annihilation of the Soviet pupulation and especially of the leading and most active elements without consideration of the lists which were at their disposition. For the execution of their criminal plans the German aggressors organized "special commandos" in the permanent and transient camps for prisoners of war which at that time were located in German territory, in the so-called Polish Governmen General and in occupied Soviet territory.

H5151-0071

The creation of "Sonderkommandos" crowned the highly secret criminal work of the Hitlerite Government for the determination of the leading, the most active and constructive elements of the Soviet population, which were subject to immediate extermination.

But at the same time, the creation by the leaders of German fascism of the "Sonderkommandos" was not only the final completio of a preuresly prepared crime, but also a tremendous extension of this branch of their criminal activities.

The "Sonderkommando" received only very general directives and for the rest they were to act independently and on their own respnsibility. Al to the responsibility of the "Sonder-kommandos", the leaders of the secret police could be punished not for the crimes committed, but only for an insufficient number of such crimes. This fact is proved in the documents which I am going to present to the Tribunal.

I omit seven paragraphs and continue with the quotation on page 3 of the Russian text of the document, beginning with the 8th paragraph:

The formation of the "special unit" is described in supplemer No. 1 to the operational order No. 14 of the Chiefs of the SP and SD (marked "Confidential, of state importance, copy No. 15") and dated "Berlin, 29 October 1941: "The formation of the special units, SP and SD, will be carried out in accordance with the agreement reached between the Chief of the SP and SD and the OKW, dated 7 October 1941. The unit will act on the basis of special powers and independently and according to the general directives issued them within the frame work of the camp regime. Naturally the unit will keep in close contact with the camp commander and the officers of the counter intelligence division."

This was the second explanation of the previously issued directives of 17 July 1941.

The OKW on its part also pointed out in supplement No. 2 to the order of 7 October 1941: "1..... in the transient camps behind the front the special unit of the SP and the SD will take the necessary measures to discover the unreliable elements, upon its own responsibility and according to the attached directives."

I omit one paragraph and continue the quotation on page 4, beginning with the second paragraph from the top. The materials presented demostrate the wide scope which the Reich leaders granted to these most dangerous police organizations. The "Sonderkommandos" were established on the whole territory from Krasnogorsk (near Lenongrad) to Nikolaev (on the Black Sea).

I quote further.

"Notice of the order of the Chiefs of the SP and the SD of 29 October 1941, about the organization of the special commandos was given to the special units in Krasnogardeisk, Smolens, Kiev. Nikolajev and - 2for information" - Riga, Mogilier and Krivolrog. It must also be pointed out that during their attacks on Moscow the Nazis organized in Smolensk the "Moscow special operation unit", the task of which was the mass annihilation of the Moscow population.

The tasks of the "special operational unit" are outlined in the operational orders which are attached to the decree No. 8 of the Chiefs of the SP and the SD, dated Berlin 17 July 1941, which under the pretext of "examining the civilians and suspicious prisoners of war captured on the east front" point out that "the special circumstances of the eastern campaign make special measures necessary which they must take upon their own responsibility without regard to bureau cratic or administrative influences."

As confirmed by documents, it was the task of the "special operational unit" to "sieve through", i.e. to find out the "unreliable" elements who were to be disposed of later on. In this connection a supplement to Heydrich's operational order No. 8 of 17 July 1941 pointed out that "inmates of camps for Russians should be classified inside the camps into the following categories: (1) Civilians; (2) soldiers (including those who had obviously put on civilian clothing); (3) politically harmful elements among those belonging to the first and second categories..... (4) those in the first and second categories who deserve confidence and could therefore be used in the reor-

H5151-0072

H5151-0073

ganization of the occupied territories; (5) national groups among prisoners of war and civilians."

3. Plans for the annihilation of leading Soviet workers and intellectual circles.

As it was repeatedly mentioned, the civil population of the USSR territories, temporarily seized by the German-fascist invadors, was put in the camps first as PW's, in violation of all existing rules and customs of war. The barbarous regime, created by Hitlerite hangmen for the PW's, was applied also to the civil Soviet population. In this respect, the so called "executions" are to be mentioned.

From the very beginning the Hitlerites put a large number of people in the group of "suspicious" who were subjects to "execution. In this group, in the first place, the Hitlerites put the leading and active part of Soviet functionaries.

Supplement No. 1 to Operational Order No. 14 of the Chief of the SP of 29 October 1941, signed by Heydrich, further states: "It was primarily necessary to find out: (1)All prominent state and party officials, expecially professional revolutionaries; (2) Komintern workers; (3) All influential workers of the Communist organization in USSR and of the organizations attached to the Central Committee. Area- and District- groups; (4) All the People's Commissars and their deputies; (5) All former political Commissars of the Red Army; (6) Leading workers of the state institutions, of the central and middle formations; (7) Leading workers of the economic groups; (8) Soviet Russian intellectuals and Jews insofar as they were professional revolutionaries or political workers, authors, editors, comintern workers and others.

The "supplement to the directives for the units of the SP and SD" signed by Heydrich and dated Berlin, 17 July 1941,points out in particular the necessity of using similar measures not only against the Russian people but also against the inhabitants of the Ukraine, Beylorussians, Azerbaidjanians and Armenians.

H5151 - 0074

I am reading now into record section 6 of the "statement" / p. 10 of the submitted document, quoting paragraph 4 corecting from the bottom/

Insertion 58

All these above mentioned secret orders and directives reveal in a convincing manner the Nazi system, worked out up to the last detail of mass annihilation of Soviet citizens, with the help of an apparatus developed especially for these criminal and terrifying goals; all possible kinds of operational units, special commandos, special screaning measures, executions, liquidations, which were nothing else but the mass slaughter of Soviet prisoners of war and civilians.

These orders and directives reveal the following:

1. Already during the first month of the war the German Fascist attackers started the mass annihilation of the civil population of the USSR as well as the mass annihilation of officers and soldiers of the Red Army, taken prisoners
2. This mass annihilation of the population and the prisoners of war was executed by order of organs of the Security police and by the High Command of the German Armed Forces and were carried out by both of them jointly.
3. Operative units and special commandos were formed for the purpose of carrying out the executions and had power to act to make their decisions on account of shootings independently.
4. The Germans took pain to carry out the executions of prisoners of war and civilians in secret, in order that the rest of the prisoners of war and the civilian population would not obtain knowledge of such things.
5. In individual cases the order was given to transfer Soviet prisoners of war, especially for the purpose of the execution, to German occupied territory of the Sovjet Union.

Thus the published documents reveal that the directives for the planned annihilation of prisoners of war and Soviet civilians took their strart from Berlin, from the German government, the German High Command, from the Reich Minister for the Occupied Eastern Territories, from the Chief of the Security police and SD and other members of the Nazi criminal gang.

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Having intiated the criminal war, the Hitlerites carried it out with the aim of the mass extermination of the civil population of the Soviet Union and other States of Eastern Europe.

I had, already read before the Court some of the documents which revealed to the Tribunal the real character of the Hitlerite murderers and their crimes,

They were nothing else but the numerous contingents of criminals trained especially for this purpose by leaders of the Hitlerite gang.

It was not enough, however, to create these hideous contingents . It was necessary that, when committing their crimes, they would feel free from any responsibility for their deeds.

Killing defenceless people and sacrilegiously trampling under their feet the basic principles of morality and law - even the Hitlerites, more or less, were aware, that doing so, they were perpetrating the most grave crimes, and somewhere, very deep in their hearts, there was a fear of retaliation.

In order to execute on the enormous scale the crimes conceived by the main criminals, it was necessary to create for the criminals the atmosphere of lawless irresponsibility. Only this could secure for the planned crimes the stupendous scope which the main war criminals needed for the realisation of the plans of German fascism, the plans generated by hatred to all mankind. To this purpose served the numerous orders of the German-Fascist High Command and of Reich authorities . I can not omit mentioning these documents for without them it would be impossible to understand or explain many things that happened in the territories of my native land temporarily occupied by Germans and in the countries of Eastern Europe that were victims of Hitlerite aggression.

The impunity enjoyed by the German military criminals for any crime committed against the peaceful population, was proclaimed in Hitler's name, by the defendant Keitel, as far back as the 13th of May 1943. It was announced in that self same "Order relating to the application of military jurisdiction in Region 'Barbarossa' and to special measures adopted by the armies" which already read out in Court under No. S-50, by the American Prosecution. I referred further back to this "order" when speaking of the so-called "Jurisdiction" in connection with the civilan population, as established in the Eastern Territories by the German Fascist.

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Section II, however, of the order is so important for understanding the general environment in which the crimes were committed, and is so essential for the exposure of the Major War Criminals, that I would ask Your Honors for permission to read out this Section in its entirety.

Insertion 59.

II. Treatment of offences committed against inhabitants by members of the Armed Forces and its employees.

1. With regard to offences committed against enemy civilians by members of the Wehrmacht and its employees prosecution is not obligatory even where the deed is at the same time a military crime or offence.

2. When judging such offences, it must be borne in mind, whatever the circumstances, that the collapse of Germany in 1918, the subsequent sufferings of the German people and the fight against National Socialism which cost the blood of innumerable supporters of the movement, were caused primarily by Bolshevik influence and that no German has forgotten this fact.

3. Therefore the judicial authority will decide in such cases whether a diciplinary penalty is indicated, or whether legal measures are necessary. In the case of offences against inhabitants it will order a court martial only if maintenance of discipline or security of the Forces call for such a measure. This applies for inebance to serious offences originating in lack of self control in sexual matters, or in a criminal desposition, and to those which indicate that the troops are threatening to get out of hand. Offences which have resulted in senselesss destruction of billets or stores of other captured material to the disadvantage of our Forces should as a rule be judged no less severely.

The order to institute proceedings requires in every single case the signature of the Judicial Authority.

4. Extreme caution is indicated in assessing the credibility of statements made by enemy civilans.

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I would like to call the attention of the Tribunal to the fact that the "Order" had to be widely publicised. The awareness of the lack of responsibility on t their part for the war crimes had to accompany the military personnell of the German-Fascist armies from the first days of their aggression against the Sovie

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Union. Section III of the "order" reads:

Responsibility of military commanders.

Insertion 60

III. Within their sphere of compentence Military Commanders are personally responsible for seeing that:-

1. Every commissioned officer of the units under their command is instructed promptly and in the most emphatic manner on principles set out under I above.

2. Their legal advisers are notified promptly of these instructions and of verbal information in which the political intentions of the High Command were explained to C-in-Cs.

3. Only those court sentences are confirmed which are in accordance with the political intentions of the High Command.

The order signed by Keitel on behalf of Hitler was understood by all men and officers of the German-fascist armies as Hitler's personal order.

Actually, "political aims of leadership" and "basic orders" mentioned in Section III, were made known to the whole "personnel of the German-Fascist armed forces. Those "basic orders" were also correctly understood as a license for violence, arson, plunder and murder.

p.81 To confirm all that, I submit to the International Military Tribunal testimony of numerours German military personnel including soldiers, commissioned officers, and generals taken from the documentary evidence of the trials of German criminals, the evidence which was read during the sessions of military courts in the Soviet Union, in previous years as well now.

However, I will limit myself by referring to one document only. I submit to the Court, under the number USSR-38, the report of the Extraordinary State Commission, entitled "Concerning the Crimes perpetuted by the German Fascist Aggressors in the City of Minsk".

This document contains excerpts from the testimony of Captain Julius Reichhof, the chairman of a military tribunal of the 267th German Rifle Division.

I quote from the testimony, beginning at line 3 of the 7th paragraph of the first column on page 3 of the document.

(Insertion 61)

(Page 2, line 9 to 24 incl.)

"On 17 June 1941, Hitler issued an order, according to which soldiers were permitted to rob and exterminate the Soviet population. According to Hitler's order, it was not permissable to bring German soldiers before a military court. A soldier could only be punished by his company commander, if the latter considered this step necessary. According to the same Hitler order, a German army officer had even more farreaching rights ..... He could handle the extermination of the Russian population according to his own opinion..... A commander had the unlimited right to use punitive action against the civilian population as he liked, which consisted for instance of the burning of entire villages and towns, taking away of food and livestock from the population, deporting Soviet citizens to Germany for work. Hitler's order was disseminated to every single soldier of the German army on the day before the beginning of the attack on the Soviet Union.....According to Hitler's order, German soldiers, under the leadership of officers committed a number of atrocities."

But even that wasn't enough for the Hitlerite leadership. In 1942 a very sharp instruction confirmed that, without any exceptions whatsoever, no

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p.81 crimes of German Fascist military personnel perpetrated against peaceful inhabitants of the Soviet Union should ever be punished.

p.82 Reich and military leadership particularly emphasized that the crimes should be left unpunished, unconditionally, even if the victims of those atrocities, no matter how perpetrated, happened to be women and children. The order concerning special jurisdiction within the area Barbarossa authorized senior officers, in cooperation with the military legal authorities, to start criminal proceedings against their subordinates guilty of perpetration of crimes against peaceful population.

In 1942, the power of so doing was taken away from them. No atrocities could be declared as crimes. Furthermore, not even any disciplinary punishment could be imposed for their perpetrations.

I submit in the evidence before the Tribunal, an instruction which doesn't call for any comments, and whose meaning is completely clear. It is signed by Keitel and entitled "The Struggle with Bandits". The document is dated December 16, 1942.

In this document Keitel, speaking about the struggle against bandits, had in mind the merciless elimination of all forms of resistance on the part of the Soviet citizens against the German Fascist aggressors. The directive by Keitel is particularly interesting because it shows that the leaders of Hitler's clique definitely ordered the criminals subordinated to them to commit atrocities against women and children, camouflaging them as a struggle against the active elements of the population who offered armed resistance.

p 83 I submit the directive to the Court under the number USSR-16. I will not read the whole document into the record.

Copy

Chief of the
High Command of the Wehrmacht
Number 004870/42 TOP SECRET Exec.Staff / of the Armed / OP (H)
Forces /

Ia 1388/42 Top Secret
Fuehrer Hqs, 16 Dec 42

31 Copies
14th copy

Subject: Combatting of Partisans

TOP SECRET

The Fuehrer has reports, that individuals member of the Wehrmacht used in combatting of partisans, have been Court-martialed subsequently on account of their conduct during the fight.

The Fuehrer has ordered to the above:

1) The enemy use in partisans fight fanatic, communistic trained fighters who are not afraid of any deed of violence. It matters here more than even abou to exist or not to exist. This fight has not longer anything to do with concern soldierly decincy or with the rules of the Geneva Convention. If this fight against the bandits in the East as well as in the Balkans is not fought with the help of the most brutal means so the available forces will in the not too distant future not be sufficent to control this plague. The troops are therefore in their right and obligated to use in

H5151-0080

this fight without himtation every means also against women and children, if it leads to success.

Considerations of any kind are a crime against the German people and the soldiers on the front who have to bear the consequences of the partisans plots and who can have no understanding whatsoever for any kind of consideration of the partisans or their cohorts.

These regulations must be also in force for the use of the combat directives for the combatting of partisans in the East.

2) No German who is used in the combatting of partisans can be punished by disciplinary action or be court martial <u>on account of his behavior in the fight against the partisans and their cohorts.</u>

The commanding officers of the troops used to combat the partisans are responsible for, that

all officers instruct in the most urgent mannen the units whic
are subordinated to them about these regulations,
that their legal advisers receive immediate notice of this
order, no sentences be confirmed which oppose this order.

signed KEITEL

Authenticated
signed signature
capt.

Certified true copy
signed signature
SS Hauptsturmfuehrer.

Certified copy of a copy (
(illegible signature)
SS Hptstfhr.

This is the last of the documents which I would like to submit to the Court in connection with the first two points of the list read by me at the beginning of my statement. The documentary material submitted by me to the honorable Court so far, aimed at establishing the following three facts:

1. The major war criminals directly incited very wide strata of the personnel of the German Fascist armed forces to perpetrate the gravest war crimes against a peaceful population.

2. The Hitlerite leadership, through special education, created large contingents of criminals for effective execution of their plans for extermination.

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With this I conclude the presentation of documents on the first division, in accordance with the list of items enumerated at the beginning of this presentation.

Up to now, the material presented by me to the honorable Tribunal was to confirm three facts:

1. Direct instigation by the major war criminals of wide circles of the personnel of the German Fascist armed forces to the commission of most serious war crimes against the peaceful population.

2. Special training by the Hitlerite leadership of large cadres of criminals for the practical execution of plans for annihilation of the people.

3. Setting free the lowest instincts of the perpetrators of the crimes and the creation of conditions of complete impunity for the criminals.

These purposes were fully accomplished by the major war criminals. In the occupied territory of the Soviet Union and the countries of Eastern Europe, the Hitlerites committed crimes against the peaceful population which neither in their scope nor in the cynicism and cruelty of the manner and actions of the organizers and perpetrators have any precedence in world history.

I pass on to the presentation of evidence which characterizes the scope and methods of these crimes committed by the German Fascists.

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The Establishment of the Regime of German Fascist Terror on the Occupied Territories.

We will show in this division what Keitels conception of pacification of the occupied territories meant in the lives of peaceful people.

The setting up of the regime of terror was the first thing that marked the appearance of German Fascist authorities, regardless of whether they were military or civilian authorities, in the territories of the USSR and other countries of eastern Europa.

Furthermore, the regime of terror was carried out not only in the most cruel forms, but it was also carried out in the form of shameless humiliation of the dignity and order of the people who became victims of the German Fascists.

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In the first place, the terroristic actions of Fascists fell on the heads of those whom those criminals considered as belonging to that part of the population whoch was most active po tically and capable of rendering resistance.

It was not by accident that Frank took the first opportunity for physical annihilation of several thousands of Polish intellectuals. In the occupied territory of the Soviet Union, the first victims of Fascist terror were also quite often the representatives of local intelligentsia.

Here is an objective description of those cruel tortures, followed by executions, which were meted out by the German invaders in the first days of the war to the most prominent representatives of the intelligentsia of the city of Lvow. I quote Document No. USSR-6, which is the report of the Extraordinary State Commission on "The Atrocities Committed by Germans on the Territory of the Lvow Region".

I begin the quotation with paragraph 6 of page 3 of the document, counting from the top.

p.86. German Invaders Killed in Lvow the Most Prominent People in the Field of Science and Art

Even before the seizure of Lvow, the detachment of Hitlerites had at their disposal lists of most prominent representatives of the intelligentsia predestined to annihilation. These lists were drawn up on instructions of the German Government. Immediately after the seizure of Lvow, massacres and executions began. The Hitlerites arrested: A member of the Union of Soviet Authors, writer of numerous works of literature, Professor Thaddeus Boi-Yelensky; Professor of the Medical Institute, Roman Renzky; University Dean, Professor of Forensic Medicine, Vladimir Seradsky; Doctor of Judicial Science, Roman Longsham-de-Berye, together with his three sons; Professor Thaddeus Ostrovsky; Professor Jan Grek; Professor of Surgery, Heinrich Hilrovich, Professor of Anton Teshinsky, Professor Francishek Groer, Professor of Anatomical Pathology, Vitold Noviitsky, Doctor of Natural Sciences, Vladimir Stogek, and Anton Lomnisky, Adam Solavy, a member of several academies of science; Casimir Bartel, Dr. of Chemistry, Stanislav Pilat, Doctor of Technical

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cont'd.
Science, Caspar Vaydel, Doctor of Technical Science; Roman Vitkevich, Doctor of Technical Science; Vladimir Krukovsky, Professor Stanislaw Progulsky, Professor Menchovsky, Ethnographer; Adam Fisher, Doctor of Technical Science; Casimir Vetulya, a noted jurist and member of the Polish Codification Commission, Professor Mauritius Arorhand; the woman writer of Lvow, Galina Goursky, Literary Critic Ostap Ortvin Lecturer Auerbach Piacesky, Physicist Vander; Engineer Shimon Blumenthal; Surgeon [illegible]va, Lecturer Chertkover, and other professors and teachers of institutions of learning. F.B.Groer, Professor of the Medical Institute at Lvow, who, by accident, escaped death, has told the Commisions:

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----- "When I was arrested at midnight on July 3, 1941, and placed in the truck, I found there already Professors Crek, Boi-Yelensky, and others. We were brought to the house of "theological College of Agamovich". While we were led along the corridor, Gestapo people were mocking us. They hit us with rifle butts, pulled our hair, and beat us on the head. Later on, I saw how, from the dormitory of the Theological College of Agamovich the Germans led under convoy five professors four of them were carrying the blood spattered body of the son of Professor Rouff, who was killed by the Germans at the interrogation. The young Rouff was also a specialist. This whole group of professors, under the escort, went in the direction of the Gadetsky Height. In 15 or 20 minutes I heard a rifle-burst from the direction where the professors were led. With a view to humiliating human dignity, the Germans used the most refined methods of torture against these men of science, and then shot them. B.C. Galtsman, who lived in the city of Lvow, has testified before the Special Commission that he himself

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con't saw how, in July 1941, "20 people were brought by the SS into the
p.87 courtyard of House No. 8, on Artshevsky Street, among them professors, lawyers, and physicians. One of them I know by name, Doctor of Judicial Science Kreps. Among them were 5-6 women. The SS forced them to wash the stairs on the seven entrances to the four-story house with their tongues and lips. After those stairways were washed, the same people were forced to collect garbage in the courtyard with their lips. All garbage had to be transferred to one place in the courtyard. All this, besides being seen by me, was seen by Gira Leopold, the janitor of House No.8 on Artshevsky Street. After this work was done, the Gestapo people selected from this group five men, led them out of town, and shot them."

The Fascist invaders carefully concealed facts concerning the annihilation of the intelligentsia. To repeated request of their relatives and friends for information as to the fate of these men of science, the Germans replied, "Not information".

p.88 In autumn of 1943, on the order of Reichsminister of Germany Himmler, the Hitlerites burned the bodies of the professors who were shot. Former internees of the Yanovsky Camp, Handel and Corn, who carried out the exhumation of the bodies, have told the Commission the following:

"In the night of October 5, 1943, between Cadetsky and Boulesky Streets, we opened the pit from which we lifted 36 bodies. This was done under the light of projectors and by the orders of the Gestapo. We burned all these corpses.

While lifting the corpses from the pit we found the documents of Professor Ostrovsky, of the Doctor of Natural Science Otogek and Professor of the Politechnical Institute Kasimir Bartel."

It was established by the investigation that in the course of the first few months of occupation the Germans have arrested or killed over seventy of the most prominent men of science, techniques and arts in the City of Lvow.

What was said above does not in any way mean that the only leaders of local organizations and representatives of the intelligensia were the victims of Fascist terror. In the above I was referring only to the fact that the Fascist terror was directed against these people in the first line.

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con't
p.88

But one of the characteristic features of the Hitlerite terrorism was the fact that it was administered by the German Fascist leaders and carried out by the executioners as terror in general.

It was not an accident, and I will show it with all particulars further down, that the Defendant Keitel declared any actions against women and children is not subject to punishment either by criminal or disciplinary procedure.

With a view to confining this, I pass now to the documents which constitute the appendix to the report of the Extraordinary State Commission on German Atrocities in the City of Kerch.

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(page 88)

Kerch is a comparatively small city. Many hundreds of kilometers separate it from Lvow.

(page 89)

If in the City of Lvow the German invaders arrived at the beginning of 1941 they reached Kerch only in November. In January 1942 the Germans were thrown out from the city by units of the Red Army.

Thus, the period of the first occupation of the City of Kerch by the Germans was very short. It lasted only two months, approximately. But these are the crimes which were committed by the German Fascists in this city. I submit to the Tribunal the report on the atrocities of the Hitlerites at Kerch, under number USSR-63 (6). I quote from the report, beginning with page 5 of the second column of the text:

"After capturing the city in November, 1941, the Hitlerites immediately issued an order which stated as follows:

"The inhabitants of Kerch are ordered to deliver to the German Commandant all food supplies at the disposal of or possessed by any family. For non-delivery the owner will be shot."

"The next Order Number 2 -- the municipal government ordered all inhabitants to register at once all chickens, roosters, ducks, turkeys, geese, sheep, cows, calves and cattle. The owners of fowl were strictly prohibited from using the fowl and the cattle for their own needs without the permission of the German Commandant. After these orders were issued a wholesale search of all apartments and houses had begun."

"The Hitlerites were behaving rowdily. For each kilogram of beans or flour found in excess, the head of the family was shot.

The monstrous atrocities in the city by the Germans began by poisoning 245 children of school age. According to the order of the German Commandant, all scholl children were ordered to come to the school at a fixed time. After they arrived, 250 children, with their schoolbooks, were sent out of town to the factory school, allegedly for a walk. There the hungery and cold children were offered hot coffee with cakes, which were poisoned. Those children who didn't get coffee the German orderly called to the dispensary and smeare their lips with quik-acting poison."

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"VI. Results of the examinations by legal medical experts.

"Upon order of the Extraordinary State Commission a committee of legal medical experts was formed which consisted of the following persons: The legal medical expert of the district of Rowno, staff-surgeon Major Rybakova, staff-surgeon Zheloznovsky and the legal medical expert of the army, staff-surgeon Major Melchan; furthermore the following served on the committee: Capt. Bogopolsky of the Military Tribunal, the teacher Novas, Highpriests Vladimir Pizhitsky and Felix Saricki, the priest of the Catholic Church of Rowno as well as the inhabitants of Rowno and suburbs. The committee worked from the first to the tenth of March on the examination of corpses which had been dug up from the burial places of Soviet civilians and prisoners of war, who had been murdered by the Germans, and found the following:

"1. Over 102,000 corpses of peaceful Soviet citizens and prisoners of war who had been murdered by the Germans by shooting and other methods were found by the Commission in the examined burying places. This figure is composed of the following items:

"a) 49,000 near the firewood depot on Beleya Street in Rowno

"b) 32,500 in the vegetable gardens on Beleya Street in Rowno

"c) 17,500 in the village of Sossenki

"d) 3,000 in stone quarries near the village of Vydumka

"e) 500 in the lots belonging to the Rowno prison.

"2. On the basis of the stage of decomposition and after careful examination it was found that:

"a) The mass shootings and burials in the village of Sossenki took place in the second half of 1941.

"b) The mass shootings near the firewood depot on Beleya street and the subsequent burials took place at the end of 1941.

"c) The mass shootings in the vegetable gardens on Beleya street were carried out in the period from 1942 to 1943.

"d) The mass execution of peaceful inhabitants by poisoning through carbon monoxide in "murder vans" and the subsequent

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burials took place in the autumn of 1943.

"e) The shooting and cremating of corpses in the stone quarries of the village of Vydumka took place in the second half of 1943.

"f) The shooting and burials on the Rowno prison grounds were carried out early in 1944.

"3. The mass extermination of peaceful inhabitants and prisoners of war in Rowno was carried out by means of mass shooting with machine-guns and machine-pistols and gassing with carbon monoxide in murder vans. In some cases people were thrown into the pits while still alive and buried. Some of those shot, specially those in stone quarries near the village of Vidumka, were burned in places especially prepared for this purpose.

"4. In numerous cases (in examination of the corpses in the graves on Belya Street and on the prison grounds) traces of injuries were found which suggest serious flogging of the victims immediately before their death.

"5. Testimonies of inhabitants of Rowno regarding death, torture and mass exterminations of prisoners of war and civilian inhabitants of Rowno in the years 1941 to 1944 are fully confirmed by the results of the legal medical investigations.

"The fact that all these crimes were committed in the place of residence of the former Reich commissioner for the Ukraine, Erich Koch, furnishes further evidence that all of these crimes were committed in pursuance of a plan for the extermination of Soviet citizens and for the complete devastation of the Soviet regions temporarily occupied by the Germans, in pursuance of a plan which was conceived and realized by the Hitler regime."

"Communication

"Of the Extraordinary State Commission for the Establishment and investigation of the infamous crimes committed by the German fascist invaders about the destructions, looting and infamous deeds of the fascist German invaders and their accomplices in the town and district of Rowno....."

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In conclusion, the Report of the Legal-Medical Experts mentions the mass shootings of prisoners in the jail.

This form of annihilation is characteristic of the German Fascist criminals. On the territories of the USSR, for the murder of hostages, there was frequently substituted the annihilation of all or of the part of the prisoners which, of course, included the suspects as well as those considered guilty.

I shall read further from the report of the Rowno District, page 4, paragraph 3:

Page 137.

"V. Mass extermination of peaceful civilians and prisoners of war.

"In the course of the execution of their atrocious plan for the extermination of peaceful Soviet citizens, the Nazi henchmen ruthlessly and according to plans murdered the peaceful inhabitants of Rowno. The Rowno prison was always filled to capacity with people who were doomed to die. This has been confirmed by testimony of numerous witnesses and by documents.

"A woman by the name of Baidan testified as follows: 'I had to spend five months in the prison and personally experience all the horrors of the Nazi prison system. Every day dozens of men, women and young people were almost beaten to death by the Nazi bandits. Twice a month large groups of prisoners were rounded up to be shot. Hermetically closed transport-vans often drove into the prison yard. When the victims were hurdled into these cars one could hear heart rending screams and wails. In "Volyn", a newspaper published by the German invaders in Rowno, appeared on the 8th of March 1943 the following announcement: "On the 8th of March 1943 the inmates of the Rowno prison attempted to escape whereby they killed one German official and one guard. The escape was thwarted by the energetic action of the prison guards. By order of the commandant of the German SP and the SD all prison inmates were shot that day."'

"In November 1943 the German district judge was murdered by an anonymous person. As a measure of retaliation more than 350 inmates of the Rowno prison were shot."

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At the subsequent report, the Tribunal will see evidence with regard to the terroristic methods which on the territory of the USSR took the place of the murder of hostages, as the latter the Hitlerites considered insufficient to keep the population of the Soviet Union in its place.

Page 138:

Retaliatory Destruction of the Village Population

In the infinite chain of German Fascist crimes, there are some which will remain for a long time and perhaps forever in the memory of mankind, even though mankind will have learned about some crimes which are more important that were committed by the same Nazis.

One of the crimes that will be so remembered is the destruction of a small Czechoslovakian village called "Lidice", and the merciless annihilation of the population of that village.

The story of Lidice was repeated even in more cruel forms in many territories of the Soviet Union, of Yugoslavia, and of Poland, but mankind will remember Lidice. It will never forget Lidice, for Lidice became the symbol of Nazi criminality. The destruction of Lidice took place in retaliation for the just murder by the Patriots of the so-called "Protector" of Csekia, Heydrich.

The destruction of the innocent people in Lidice was an act of mass terrorism. The Chief Prosecutor of the USSR, when he spoke of Lidice, quoted the official German report on this act of terror which appeared in the newspaper "Der Deue Tag", 2 June 1942.

In evidence of the crimes of German Fascists, I shall submit an extract from the report of the Government of the Czechoslovakian Republic.

I shall read from this report, which was already submitted to the Court as USSR Exhibit No. 60, beginning with page 121, fifth paragraph from the top:

Page 139.

"On June 9th, 1942, the village of Lidice was, on the orders of the Gestapo, surrounded by soldiers having arrived from Slany in ten large lorries. They allowed everyone into the village but no one out of it. A twelve-year old boy tried to run away. A soldier shot him. One woman tried to escape; a bullet in the back

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"frustrated her flight and her corpse was found in the fields after harvest. The Gestapo dragged the women and children to the school.

"The morning of June 10th, brought the last day to Lidice and its inhabitants. The men were already shut up in the cellar, barn and stable of the Horak farm. They foresaw their fate and awaited it calmly. The 73 year-old priest Sternbeck strengthened them with the word of God.

"A firing squad of 30 gendarmes (a branch of the so-called Ordnungspolizei) had arrived from Prague at 3.30 in the morning. They began their cruel work before 7 o'clock in the morning when K.H. Frank had also arrived. When Frank got out of his car the commander of the Squad reported to him. Frank turned to the gendarmes and said: "Carry on with your work." Later he intimated that none of the gendarmes must disclose what had happened at Lidice or else he would be shot. The first house on the highroad was occupied by the Gestapo. In front of it SS Hauptsturmfuehrer Weismann informed the firing squad that it was the will of the Fuehrer they were about to carry out.

"From the Horak farm the men were led out into the garden behind the barn in tens and shot. The massacres lasted from morning until 4 o'clock in the afternoon. Afterwards the executioners had themselves photographed with the corpses on the execution ground. The pictures show both boys and older men. They show that they had put straw on the wall so that the bullets should not rebound.

"At the same time, 7 o'clock in the morning, the first building, belonging to Hlim, on the road to Hostoun, was set on fire and after that one house after another was burned to the ground by the Gestapo. They brought two barrels of petrol and in front of each house poured out a pailful to light the fires.

"On June 11th, 20 Jews came from Terezin who had to dig graves near the place of execution and throw in the corpses head to toe and side by side. Afterwards quicklime was poured over the corpses

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"which were then covered by boards. Then the corpses taken from the cemetery were placed in the same graves and the cemetery wiped out.

"On June 12th, German pioneers fitted into the walls of the centuries old church of St. Martin, explosive charges. Sgt. Jan Strued who acted as liaison officer once more called the Gestapo from Kladno to watch the complete destruction of the ancient church. A few months later fields covered the ground where Lidice had stood.

"The fate of the men of Lidice has been described. 172 men and youths from 16 years upwards were shot on June 10th 1942. Another 19 who worked in coalmines of Kladno on June 9th and 10th, were later arrested in the collieries or in the nearby woods, taken to Prague and shot.

"7 women from Lidice were shot in Prague as well. The others, the remaining 195, were deported to the Ravensbruck concentration camp. 42 died from ill-treatment, 7 were gassed and 3 are missing.

"4 of these women were taken from Lidice to a maternity home in Prague, their newly born children murdered and the mothers then sent to Ravensbruck.

"The children of Lidice were taken from their mothers a few days after the destruction of the village. 90 were sent to Lodz in Poland and from there to Gneisenau concentration camp (in the so-called Wartheland). So far no trace of these children has been discovered. 7 of the youngest (less than a year old) were taken to a German children's hospital in Prague and after examination by "racial experts" sent to Germany. They were to be brought up as Germans and were given German names. Every trace of them has been lost.

"Two or three children were born in Ravensbruck concentration camp. They were killed immediately after their birth."

The fate of Lidice was repeated in many Soviet villages. Many peaceful citizens of these villages perished in tortures even greater than being burned alive or became the victims of more torturous types of death.

The destruction of whole villages and the murder of the population was one of the most widely practised forms of the German Fascist terror on the

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territories of the Soviet Union, temporarily occupied by the Fascists.

Page 141:

To confirm this, I shall cite several documents.

I refer to the already submitted USSR Exhibit No.41, which is the report of the Extraordinary State Commission on the Crimes of the German Invaders on the Territory of the Latvian Soviet Socialist Republic.

Page 6 of the report gives the history of the annihilation of the whole population of the village Audriny of the Reseknesk District.

Citing this part, I begin with the fourth paragraph from above, second column of page 6.

"GERMAN BANDITS BURNED DOWN THE VILLAGE AUDRINY AND EXTERMINATED THE ENTIRE POPULATION

"In January 1942, the Germans destroyed the village of Audriny in the district of Rezekne, Reshitsa, with its entire population, because it has been said that they had helped the Red Army. The following proclamation in the German in the German, Latvian and Russian languages was posted in the cities of the Latvian Soviet Republic: "The commander of the German security police in Latvia, makes it known herewith: 'The Population of the village Audriny, district of Rezhitas, granted refuge for longer than a quarter of a year to members of the Red Army, hid them, gave them weapons and assisted them by all means in their activity against the state. Latvian policemen were shot in the fight against such elements.... For punishment, I have issued the following order: A. The village Audriny will be leveled to the ground. The inhabitants of the village Audriny are to be arrested, 30 male inhabitants of the village Audriny are to be shot in public on the market place of the city of Rezhitsa on 4 January 1942. In the future, I will also take the strictest measures against persons, who assist these elements in any manner. (Signed) Commander of the German State Security Police in Latvia:

STRAUCH

SS Obersturmbannfuehrer (Lt. Col.)'

"The village of Audriny, which comprised 41 farms, was located and

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"burned down. All its inhabitants -- 194 persons, including women, children and old men -- were arrested and locked up in the prison of Rezekne. 30 men of them were shot publicly in the market place of the city of Rezekne, Rezhitsa, among them a 12 year old boy. All the rest were carried off to the Anchupen Mountains and shot there.

"Altogether, in the city and district of Rezekne, Rezhitsa, 15,200 civilians, among them 2,000 children, were shot by the Germans."

Page 142.

I further submit to the Court as USSR Exhibit No.7, the Report of the Extraordinary State Commission on the Crimes of the Hitlerian Invaders on the Territory of the Lithuanian Soviet Socialist Republic.

Page 5 of the document relates circumstances accompanying the destruction by the Germans of a whole series of populated districts and villages in Lithuania, including the crimes of the Hitlerites in the village of Perovup in the Trokaisk District.

Quoting paragraph 7, from the top of page 5:

Page 143:

"In the 'Lyssaya Gore', a section east of the village of 'Vilnius', the Commission discovered two clearings -- 12 by 30, respectively 6 to 12 yards long -- where the Germans used to burn the corpses of the residents of Nanivi Vilnya Lutzkunai, Laverishris, Shutskas Mednnikai, Toterkatmis and other localities. According to the confirmation of three residents in the village of Lozniki, Adnrushkovich Maganovich and Petrulevich, the Germans, in the fall of 1941, drove Soviet citizens there for the purpose of shooting them. Between the 1 and 18 July 1944, the Germans opened the pits and burned the corpses. The ashes were buried in pits. The soviet citizens, who were forced by the Germans to exhume the bodies and to burn them, were shot later on. Ten thousand persons were shot by the Germans in the district of 'Lyssaya Gora'. In September 1941, 800 people were shot with machine-guns in the city of Gishkiskis. In the city of Prenai, the German executioners, under the direction of the city

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"commandant, SS Hauptsturmfuehrer Reinart, tortured more than 5,000 citizens to death, respectively shot them. In Villiampol, a suburb of Kaunas, the Germans burned to death 8,000 Soviet citizens.

"On 3 June 1944, the Hitler bandits broke into the village of Perchupe, in the Trakai district. They encircled the village and plundered it completely. Afterwards they drove all the men into one house, and women and children into three other houses and set fire to the structures. Those who attempted to flee were caught, however, by the fascist devils and were thrown back into the burning houses. In this manner, the entire population of the village, 119 souls -- 21 men, 29 women and 69 children -- were burned to death.

"The German invaders committed a brutal massacre of the civilians in the section of the city of Mariampol, where they destroyed altogether 7,700 people. In the small town of Seiriai, in the province of Alitus, they shot 1,900 persons; more than 1,000 residents were shot at Pilvishkiai."

I submit here as USSR Exhibit 279, the report of the Extraordinary State Commission on the Crimes of the German Fascist Invaders in the Cities of Viazma, Gjatsk, and Sychev of the Smolensk Region, and also in the City of Rjev of the Kalinin Region.

The Tribunal can see for itself how many times the fate of the village of Lidice was repeated in the occupied territories of the Soviet Union and the cruel shape that this fate assumed.

Quoting from paragraph 1 of page 2:

Page 144-147:

"In the districts of Wjasma and Gschatsk, Rschew and Sytschevka, the commanders in chief of the German 4th Army, Colonel General Heinrici, and the German 9th Army, Colonel General Model, have mistreated, tortured and murdered peaceful, innocent Soviet citizens, without regard for any laws of human morality. On their orders the soldiers and officers of the German army bands have tortured

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"and murdered children, women and old men, have put out their eyes, have cut off their arms, legs and ears. The troop units of General Schiemann's police corps, Mayor Arnold Stammp, and Gestapo Chief Baron Adler have tortured to death and murdered thousands of peaceful citizens inthe city of Wjasma. On 10 December 1942 they carried off 34 men and women, all Soviet citizens, in trucks; outside the city these people had to dig their own graves and were then shot. On 25 February 1942 the Fascists shot the surgeon of the Wjasma city hospital, Dr. Bierstein, M.D., 65 years old, the oculist Lopyrev, A.J., 62 years old, and his 16 year old son.

"W.J. Muraschersky, 74 years old, was subjected to senseless abuse (torture) and brutality. He was carrying a pail of water from the street well into his house. A German soldier, who lived in the neighborhood, called to him to come into the house and murdered him there in a bestial way. At the examination of the body it was established that his right cheek was cut to pieces, and laid open to the right ear, that his right ear was torn off, the left eye gouged out and eyelid cut out in the form of a triangle, the upper lid cut off, a triangle had been cut out of the temple, and the skin on the neck cut off with a razor blade. The German-Fascist invaders forced women doctors in hospitals to work as medical orderlies. Private Richter, commandant of the hospital's contagious ward, for the slightest infraction beat the nurses and women orderlies until they were unconscious. The toilets could not be used by the Russian doctors and nurses, on the doors was written: "Russians not permitted to enter -- for disobedience -- shooting." In Sybachevka, Lieutenant Kissler, the city commandant, treated women, children and old people ruthlessly. On 7 January 1943 he herded together approximately 100 Jewish women, old persons and children, first beat them up, then drove them out to the suburbs and shot them there.

"On 28 February 1943 the German-Fascist murderers herded together

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"inhabitants of Sytschevka who were sick with typhus in house No.57 on Nabereschnaja Street, ostensibly to give them medical aid; the sick persons were locked up there and the house was set on fire. Only thanks to the efforts of the woman medical orderly Popowa and other medical employees were part of the sick people saved during the fire. A length of the road near the village of Holmez in the district of Sytschevka had to be cleared of mines. On the order of the Division Commander of the 102nd German Infantry Division, Major General Fuesler, the Fascists collected all the inhabitants of the village of Holmez and drove them out on the mined road. All of these people were killed by exploding mines. The Fascist authorities became suspicious that the inhabitants of the village of Kerbatowa were in contact with the Partisans and burned down the whole village. When Woman Collective Farmer Nikifor protested against such destruction, they ripped open her body, slashed her across the face with a knife, wrenched her children's hands and beat in their skulls. In the village of Sajtschiki, Michael Saihow, 61 years old, Vikifor Boljikow, 69 years old, Kathrina Begorowa, 70 years old, Katharina Golubjewa, 70 years old, Egor Dadonov, 5 years old, Mira Sirnova, 7 years old, and others, 23 in all, were driven into a house by the Gestapo men and the house set on fire. And all those who were there were burned alive.

"In the village of Klinig the Germans threw the child of Woman Collective Farmer Bogdanova into the fire and then burned her up herself.

"In the village of Wasiljewka the German hangmen hanged President of Collective Economy Tarbin and Camp Superintendant Jermolinsky by hooks in their jawbones. The gallows and its corpses stood for a long time on the street. After the retreat of the Germans from the village of Dratschevo in the district ig Gschask in March 1943, the assistant of the field police chief, Lieutenant Boss, herded together 200 inhabitants from the villages of Dratschevo,

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"Slobino, Astachovo, Mischino in the house of Woman Collective Farmer Tschistjakova, locked the door, and then set the house on fire. All of the 200 persons were burned up. Among them were old people, women and children: Platonov, M.P., 63 years old; Platonova, P.L., 59 years old; Platonov, Vasilij, 35 years old, and his children, Wjatscheslov, 5 years old, Alexander, 3 years old; Wassiljeva, P.Y., 42 years old; her daughter Maria, 11 years old, Anna, 9 years old, and her son, Arhadij, 5 years old; the mother, Wasiljeva, M.S., 72 years old; Tschistjakova, K.G., 64 years old; her son, Ivan, 13 years old, and grandson, Jurij, 4 years old; Smirnov, M.J., 63 years old, and his wife Smirnova, E.M. 58 years old; her daughter, Smirnova, A.M., 27 years old, with her children 5 and 1½ years old, and Smirnova, M.N., 15 years old, and others.

"In the village of Stepaniki in the district of Gschazk, the German invaders locked Helene Fjedorovna Iljina, 35 years old, in a bathroom (Banja), abused her there for 7 days, tortured her with whips and sticks, and sprayed her with cold water. On 8 January 1943 they herded together all the inhabitants of the village of Stepaniki so that they could witness the execution and hanged Iljina on the building.

"In the villages of Kulikovo and Kolesniki in the district of Geschazk the Fascists burned up all the inhabitants, young and old, in a farmhouse. Upon the order of Major General Weiss, commander in chief, General of the 17th Army Corps Commandant Kurtfeld erected a gallows in the main square of the city of Rschev, where the Lenin Monument used to stand, upon which he hanged dozens and dozens of peaceful citizens. Alexander Drosdov, Anna Pogeharskaia, Medozijova, and others were hanged there. Several thousand were shot.

"On 20 March 1943 3 women and 3 small children who had been murdered by the Fascists were discovered in the house of Pavlova, at No.47 Vorovskaya St. Their goods and chattels had been looted. The

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"Sadov family, who had been tortured to death by the Fascists, were found in the house next door; the father and mother were shot, their 12 year old daughter Raya had been stabbed with a bayonet, their son Valentin had been shot with a bullet through the right eye, the 18 years old daughter Sina had been raped and strangled, their 5 months old daughter Katya had been shot with a bullet through the temple.

"The corpses of 8 Soviet citizens were found in a grave in a vegetable garden in a courtyard of house-block No. 116. They were so disfigured that they could not be identified; the lips of Solovjeva, I.V., 30 years old, had been cut off; Andrejeva, A.M., 28 years old, had been stabbed with a bayonet, and others.

Regarding the circumstances which accompanied the annihilation on the part of the German criminals of the population of many villages, one can judge from the summaries made by the German military units.

For that purpose, I submit as USSR Exhibit No. 119, one of such documents. It consists of certified photostats of the operational reports and other documents of the 15th Police Regiment.

Among these, we see one entitled "Summary of the Retaliatory Expedition to the Village of Borisovka, September 22 - September 26, 1942."

I am citing this document because it establishes beyond doubt that under the guise of fighting the guerillas, the Hitlerite criminals were annihilating the peaceful population of Soviet villages.

PAGE 148:

O.K., 27 Sept 1942.

K.T.B. 165 A

Report on Experiences

"on the retaliatory operation, carried out in the village BORYSOWKA in the time from 22 Sept to 26 Sept 1942.

1.) Mission: The village of BORYSOWKA, which is overrun with partisans, is to be destroyed by the 9th Company.

2.) Forces: 2 Platoons of the 9th Company, 15 Police Regt, 1 platoon of gendarmes (motorized 16) and one anti-tank platoon from BEREZA-KARTUSKA.

3.) Course of the action: The company assembled on 22 Sept 42 in the evening in DUYIN. During the night from the 22nd to 23rd of September 1942, the march from DUYIN in the direction of BORYSOWKA took place. The village was cut off by two platoons at 0400 hours, encircling it from the North and South. At daybreak, the entire population of the village was brought together by the village Buergermeister. After investigating the population with the aid of the security police of DUYIN, five families were resettled in DUYIN. The remainder were shot by a specially detailed squad and buried 500 meters northeast of BORYSOWKA. Altogether, 169 persons were shot, among them 49 men, 97 women and 23 children.

"After the population had been gotten out of the way, the village itself was gone through, all livestock, food and agricultural machinery was brought together and brought to DUYIN with vehicles.

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At the same time, individual farms, which belonged to the village were located further away, were searched and destroyed by specially detailed squads, which consisted of 3-4 policemen (SD), 4-5 vehicles and 3-4 natives.

"During the burning of the farms, in the center of the village as well as in the individual farms (called Chutors) it was established without a doubt, that ammunition exploded in several buildings. Apparently this had been kept hidden under the floor.
The following was made available to the district farm supervisor (Kreislandwirt):

455 head of cattle
525 sheep
258 pigs
33 horses
13 chickens
399 sacks of grain
48 sacks of hemp seed
25 cart loads of unthreshed grain
27 cars with spinning material

Altogether, the following was destroyed:
In the village itself, 12 village farms and 8 barns; outside of the village, 67 Chutors.

"The operation was finished on the 26th into the afternoon, village and population of BORYSOWKA was destroyed.

4.) Experiences:

"During the operation, it has been determined that the forces available for the execution were not sufficient in view of the composition of the village BORYSOWKA. BORYSOWKA consists of a center, which contains about 20 farms and a large number of individual farms (Chutors), which are located in a circle up to 5 km around the centre of the village. Each farm forms one closed entirety. The farms are about 400 m to 500 m apart. Added to this that the settled area of the village B. has scattered forests, which naturally increases the difficulty for the execution of the operation (finding of the Chutors). Furthermore, the number of individual farms which belonged to the village was not determined exactly. It was established that individual farms are so far away from BORYSOWKA that they run into other villages. For this reason, I had to limit myself to cut off at first the actual center of the village and to go over it, and then afterwards the individual Chutors one after the other. This however had the disadvanta

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that the Chutors had practically all been left by the population already. The cutting of the center of the village coule be carried out without exception.

"The execution of the sentence for shooting had to be postponed until around noon of the first day because of the preparations (digging of graves).

"Although the seizure of livestock, agricultural products and other important goods as well as of the agricultural machinery was begun immediately, this was by far the most difficult part of the operation. A convoy of about 300 - 350 vehicles and about 60 natives as cattle herders were available to the company. Despite this fact, the removal took much time, since the capacity of the vehicles is small and the way to DUBIN is time-consuming. It has been proven further that the barns were filled up to the top with unthreshed grain and that only part of the harvest was threshed. The removal of the unthreshed grain could not be carried out. It was stored in the yards and had to be hauled away by the District agricultural supervisor (Kreislandwirt); the same thing with the potatoes and the flax, spread on the meadows. The District Agricultural Supervisor (Kreislandwirt) has received a verbal report about this from me. The removal of the livestock was carried out under the guard of the Ukrainian guard unit from DUBIN."

Omitting two paragraphs, I continue:

"Having arrived in Chabowicze I ascertained, that the population was timid and fearful, on account of the events of the past few days, of which they were told by truckdrivers. At our approach parts of the population fled and hid from us in the woods. Therefore, on 27.9. after the religious services I had the population of Chabowicze and the neighboring localities assembled, and acquainted them with the situation, and calmed them down. It would be useful to have the civil agencies issue similar public notices to pacify the population.

signed KASPER

Captain and Company Commander."

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PAGE 151: In the system of terror introduced by German Fascism into the occupied regions of the USSR, the incidence of burning people alive is particularly frequent.

Usually this was done in the rural regions where the inhabitants would be locked by the Germans in the wooden buildings around which straw and dry wood would be placed, and then the buildings would be set afire. In such fires perished alike the aged, the women, and the children.

To confirm this further, the following extracts from the Report of the Extraordinary State Commission on the Crimes of the Hitlerian Invaders, in the Lithuanian USSR as well as the territories of the cities of Viazma, Gjatsk, and Sychey, have been submitted.

The same retaliatory measures of dealing with the civilian population were used not only in the villages but also in the cities. I refer here to the Report of the Extraordinary State Commission on "The Destruction on the part of the German Fascist Invaders of the Industry, Urban economy, and Cultural and Educational Organizations in the Stalinsk Region."

This was submitted to the Court as USSR Exhibit No. 2. I shall quote from it beginning with paragraph 6 in the second column of page 6 of the text:

"The shootings of the citizens of Kramatersk were ordered by the German Town-Commander, Lt. Meuschke.

"At the distance of one kilometer from the city of Stalino the German-Fascist scoundrels tortured to death or shot tons of thousands of citizens, and thre their corpses into the pit No. 4 of the Kalinovka coalmine. To hide the traces of their crime they blasted the pit - entrances and thus sealed the pits. The Committee for the investigation of crimes of German-Fascist invaders now conducts the unearthing and exhumation of the corpses.

"In the city of Stalino the German intruders drove all inhabitants of one house into a shed, closed the entrance poured oil on the shed and set it on fire. All those in the shed lost their lives, with the exception of two little girls, who by pure chance remained alive.

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PAGE 151/52: "On 11 September, 1943, the Commission made excavations in the spot where the burned barn was located. Forty-one burned human corpses were located. The Commission consisted at the time of Y.E. Kromner who is Deputy Chairman of the Executive Committee of the Regional Soviet of Workers; of Father Odrinsky, the priest of the Preobrajensky Church in the City of Stalino; of the Senior Lt. Zinkovsky who is the political representative of the No. 05830 Unit; and of the following professors and legal - medical experts:- A.I. Voinar, A.I. Charugin, Dr. Mihalev, and Dr. Ermolaeva."

PAGE 152: From the very first days of the war, the German Fascist terror with regard to the civilian population assumed monstrous proportions. This was noted in their reports home even by several German officers who participated in the first world war, and who stressed the fact that even in the terror of the first world war they saw nothing to equal that which they were seeing now.

Of course, these reports did not discuss or suggest any humane measures. The new forms of terror with regard to the civilian population scared Deputy Commander of the 9th Army Corps and the Chief of the 9th Military District, merely because these new forms were applied so openly and were discussed so scientifically.

I submit as USSR Exhibit No. 293, the photostats of the report of the former Commander of the 528th Regiment, Major Resler, and the report of Schirwindt, wh was Chief of the 9th Military District. I shall read both documents with the exception of that part of Resler's report, which deals with matters concerning general army matters and has no connection with the immediate subject under discussion.

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Copy.

Roesler Major

Kassel, 3 January 1942.

Report

The matter brought to my attention by the 52nd Infantry Replacement Regiment concerning "the attitude toward the civilian population in the East" prompts me to report the following:

At the end of July 1941 the 528th Infantry Regiment under my command was on the way from the West to Zitomir where it was to be billeted for a rest. After I had moved with my staff into the Staff quarters on the afternoon of the day of our arrival, we heard rifle volleys at regular intervals from a distance not very far away which were followed after a while by pistol shots. I decided to track down this matter and started the search together with my adjutant and the courrier (1st Lieutenant von Dassevitz and Lieutenant Mueller - Brodmann) in the direction of the rifle shots. We soon received the impression that a cruel spectacle must be going on because after some time we saw numerous soldiers and civilians streaming toward the rail-road embankment ahead of us, behind which as we were informed continuous shootings were taking place. During the entire time we were unable to look across the rail-road embankment, however, we always heard after a certain interval the sound of a whistle followed by a volley of about 10 rifles which in turn was followed after some time by pistol shots. When we had finally climbed over the embankment a picture of cruel horror was revealed before us beyond the embankment which had a shocking and terrifying effect on the unprepared spectator. A trench about 7-8 meters long and perhaps 4 meters wide had been dug into the ground, the dug up earth of which was piled up on one side. The pile and the adjoining wall of the trench were completely soiled with streams of blood. The pit itself was filled with numerous inestimable corpses of all types and sexes so that the depth could not be estimated. Behind the piled up wall a police detachment was posted which was given orders by a

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police-officer. The uniforms of the detachment showed traces of blood. Innumerable soldiers belonging to troop units stationed there, partly clad in bathing trunks, were standing around as spectators in a big circle as well as numerous civilians with women and children. By stepping closely to the pit I was able to get in a picture which I had not been able to forget until today. In this grave lay among others a old men with a white beard who had a little walking stick hanging over his left arm. Since this man still showed signs of life by sporadic breathing, I requested one of the policemen to kill him definitely whereupon he laughingly replied: "I have already let him have it seven times, he will die on his own". Those lying in the grave were not placed in any order but remained in the position in which they fell off the trench wall after having been shot. All of these people were disposed of by shots in the neck and subsequently given the coup-de-grace from above. On account my participatio in the world war I as well as in the French and Russian campaigns in this war my heart has certainly not been especially softened; I have also experienced during my activity in the formations of volunteers of 1919 most unpleasant things but I am not able to remember ever to have witnessed a scene such as described above.

I shall omit one paragraph and will then continue.

I want to mention yet that according to the testimony of soldiers who often watched these executions, several hundreds were shot every day.

Signed

Roesler

Certificate of copy:

Signature

Major.

Quoting the second document:

(extract)

Secret

Kassel, 17 Jan 1942

From Deputy Commander of 149

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the IX Army Corps and Commanding Officer
of the 9th Military District

No. B70/42 secr.

To the Chief of the Army Armament and
Equipment Dept. Berlin

Contents: Atrocities over the Civilian population of the East.

With regards to the news of the mass executions in Russia, I tried to track down the source since I was quite convinced that the news was exaggerated.

I am forwarding herewith the report of Major Resler fully confirming these rumors. If these things will be done openly they will become known at home and will cause criticism.

Signed

Shirwindt.

Before continuing and before submitting to the Tribunal written evidence, I would like to make even more clear to the Tribunal the subject of my further report and to submit at this moment the original photographs and documents referring to the criminals themselves.

To comprehend more fully the extent of the German crimes, and particularly the method of committing these crimes, it is necessary not only to listen to the narrative about these crimes, but it is also necessary to witness for oneself the results of the crimes.

The Tribunal will look at evidence of the results in the form of a documentary film. But besides the film, the Prosecution has in its possession the photographs made by the criminals themselves. These photographs bring back to life both the methods and the atmosphere in which the crimes were committed. It must be noted that the Hitlerites were generally fond of taking photographs and thus, keeping a permanent record of the crimes that they themselves committed. In addition to that, the Germans often found photographs in the pockets of the prisoners-of-war, or in the pockets of the dead Germans, which they also took and which we can now

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use as evidence.

In fact, this photo collecting had rather disturbed the Government of the Reich and finally the Chief of the SD issued a special order regulating very strictly the taking of photographs during executions.

I am submitting this to the Tribunal as USSR-Exhibit No. 277. The text follows:

The Chief of the Security Police and of the SD — Berlin, 16 April 42

II A 1 No. 1042 II/41 - 151 -

To pp. the Commanders and Commandants of the Order Police (Ordnungspelizei)

pp. 157

SUBJECT: Photographing of Executions

The Reichsfuehrer SS has forbidden the photographing of executions by the order of 12 Nov 1941 - Journal No. I 1461/41 Ads. - and has ordered that the entire exposed material, insofar as such pictures are needed for official reasons, be collected in archives.

Supplementing this, the following is ordered:

Pictures of executions for official purposes can generally be made only at the direction of the leaders of the taskforce or special teams (Einsatz order Senderkommandos) and/or the company commander of the Waffen SS and the section leader of the war correspondent's section. In the event of exceptional cases, when such pictures are urgently needed and the obtaining of the permission from the leaders of the taskforce or special teams (Einsatz order Senderkommandos) and/or the company commander of the Waffen SS and the platoon leader of the war correspondent section is not possible, the latter are to be informed about it afterwards.

The leader of the taskforce or special teams (Einsatz oder Senderkommandos) and/or the company commander of the Waffen SS and the section leader of the war correspondent section held the responsibility, that plates, films and prints do not remain in the hands of individual members of the taskforce office (Einsatzdienststelle).

As long as photographic pictures are being taken for official interest, the leader of the taskforce or special team (Einsatz oder Sonderkommandos) and/or the company commander of the Waffen SS and the section leader of the war correspondent section must send the exposed material in

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undeveloped conditions to the Reich Main Security Office (RSHA) (Department IV A 1) without delay, as a "top secret" matter.

Photographs or exposed films and plates of executions which are still at the offices or with the individual members of the offices, are to be forwarded at once to the Reich Main Security Office (Research Office) (RSHA) (Research Office IV A 1). In each case, the time and place of the photographs made, is to be stated. At the same time, an official verification by the respective member of the office, is to be added, that no other photographs have been made by him and that all plates, films and prints have been surrendered.

This decree is to be made known to all members of the Police task-force offices (Einsatzstellen) as well as the members of the Waffen SS and their war correspondents sections.

signed/ HEINRICH

authenticated

L.S. signed / signature

Chancellery employee

The SS - and Police leader of Latvia

Commander of the Ordinary Police

Ri a, 24 June 1942

S. Ib / 51 77/ 24.6.42

SS - and Police Garrison commander

LIBAU

For cognizance and further orders, copy will be forwarded.

By order

signed: FRUEHM

Captain of the Protective Police

(Seal)

authenticated

signed: signature

First Sargent of the Protective Police

But the criminals kept continuing to take photographs of the executions and this is what makes it possible for me to submit to the Tribunal the methods which were used.

(here follows the demonstration of the photographs)

Photograph 1. The shooting of one person, conducted in a typical German manner, i.e. shooting at the back of the head. The photograph was found on a dead German.

Photograph 2. The shooting of several persons by the same method:

(a) Waiting to be shot.

(b) The moment of the shooting itself with the assassins laughing over the corpses.

Photograph 3. A mass shooting. Photograph taken by Karl Strik, the Gestapo Chief of the Leipzig District.

He photographed the process of the shooting:

(a) All those to be shot are gathered together and made to undress.

(b) Naked men are waiting to be led to the shooting.

(c) The condemned are being led to the shooting.

(d) The shooting of the women and children.

(e) The corpses are being thrown into a grave. (This photograph shows that the shooting was done in the first months of the war when the corpses where thrown into graves in a somewhat disorderly fashion. Subsequently, in the latter part of the war, the executioners made the condemned lie down in the graves in rows.)

(f) The picture of the type of grave, used in the later stages of the war.

(g) The "death band" in the Yanov Camp.

II. The Mass Annihilation of the Citizens of the USSR, Poland, Yugoslavia and Czechoslovakia by the German Fascists.

The mass annihilation of the peaceful citizens of the Soviet Union and of the countries of Eastern Europe were initiated by the German Fascist criminals as we can see from both the official orders and the directives with the following objectives in mind:

1. To do away physically with those groups in the population which were considered capable of resistance.

2. For racial reasons i.e. to do away with those groups which the Germans disliked racially.

3. For purposes of retaliation.

4. Supposedly to put down the guerrilla movement but since the Germans could not catch or do away with the guerrillas altogether, they took their wrath out on the peaceful population.

But those were the official reasons. In actual practice, frequently people were destroyed who do not come under any of the above mentioned categories. Therefore, the motivation could only consist primarily

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of the desire to do away with the population of the regions altogether.

The Mass Annihilation of Children.

Particularly cruel were the executions of children.

I consider it absolutely necessary to stop at this point, particularly. The application of the particularly cruel and torturous methods for killing children appears to be one of the most basic and the most revolting phases of the Hitlerite terror on the territories of the Soviet Union.

Almost immediately after the coming of Fascism to Germany Goering began to develop laws against vivisection. He was particularly concerned with dogs, sea urchins and guinea pigs which were subjected to scientific experiments for the good of mankind. To confirm this, I refer to Goering's book called "Speeches and Articles", published in 1940 by Erich Grisbach in Munich.

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The Tribunal will remember that at a meeting of the Gruppenfuehrers of the SS in Posen (Document Number 1919-PS- Himmler stated: "We Germans are the only people who treat animals well."

But these men, who sentimentally talked about not subjecting animals to torture, yes, these men, from Himmler to Keitel, invariably prescribed the most inhuman, the most cruel murders for children.

At the meeting just mentioned, Himmler also stated:

"If some woman would come to me and say, 'You can't build anti-tank ditches with children and women, it is inhuman, they will die', I will reply, 'You are the murderer of your own blood if you can consider such things!'

The many investigations conducted with regard to the German Fascist crimes in the Soviet Union show beyond doubt that during mass executions many children were thrown into the mass graves alive.

To confirm this I turn to official documents. I refer to the document already submitted to the Tribunal by my colleagues as indisputable evidence, in accordance with Article 21. It is USSR Exhibit Number 46, which is the report of the Extraordinary State Commission on the Crimes of the German Fascist Invaders in the City and District of Orel.

On page 3 of this document, in the last paragraph from the bottom, we read:

"Those who were shot in the city, were carried away and usually thrown into ditches in wooded areas.

"In jail, the executions took pace in the following manner: The men had to stand in line facing the wall and the "gendarmen" (policemen) fired their pistols through their (the formers) heads from the back. These shots injured vital spots and caused immediate death as a rule, women laid down and they were shot through their heads from the back. There was a second method which consisted of forcing groups to stop at a ditch and all had to face the same direction. Then they were also shot through their heads from the back with automatic guns (Tommy-Guns). The bodies of children who, according to reports of eye-witnesses, had been buried alive, were found in the ditches".

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I further submit to the Tribunalas USSR Exhibit Number 1, the report of the Extraordinary State Commission on the Crimes of the German Fascist Occupants in the Region of Stavropol. Reading from page 4 of this document, beginning with the second paragraph:

> During the inspection of another ditch situated in the vicinity of the Kolzberg and at a distance of 250 m from the road, which leads from Kislowodsk to the village of Porwomaisky, a washed out ridge of soil was discovered out of which various parts of human corpses could be seen sticking out. During the period of 26 to 29 January 1943 excavations were carried out on this spot which resulted in the finding of 130 corpses. The judicial medical examination showed the following: The corpse of a 4 months old girl showed no traces of a violent death. The child was thrown into the ditch while alive and consequently suffocated to death. The corpse of a man clad in the uniform of a Red Army soldier with bandaged right hand and left leg was discovered lying alongside his crutches. The judicial medical investigation of the infant corpses on the part of experts has proven that all of them had been thrown into the ditch alive, together with their shot mothers. In all remaining corpses traces of torture were found. Torn off lower jaws, broken limbs, dislocated joints and mutilated faces.

The Tribunal already has USSR Exhibit Number 32, which is the indictment against the former military officials of the German Fascist Army, Messrs. Rietz, Retslav and others. The factual circumstances accompanying their crimes, and which are fully explained in the indictment, have been fully confirmed by the verdicts of the military tribunal of the .....front, which was also submitted by me to the Tribunal as USSR Exhibit Number.....

Page 10 of the indictment quotes from the testimony of the witness Bespalov, who was questioned in connection with

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mass shootings, which he saw personally.

Reading from this document, beginning with paragraph 4 from the top, page 10, we see a picture of the executions as it was drawn by Witness Bespalov:

> At the end of June I saw myself how up to 300 girls and women were brought on 10-12 trucks into the parkland.
>
> The unfortunates were tossing from side to side, crying, pulling their hair and stripping their clothes, many fell unconscious, but the German fascist payed no attention to this. By kicking and beating with rifle butts and sticks they forced them to get up, but those who did not get up they stripped and threw into pits. Several girls, among them children tried to run away, but were killed.
>
> I saw how after a burst of fire from a machine gun some of the women,, staggering and helplessly swaying their arms, with hartrending strives were marching toward the Germans. In this home the Germans were shooting them with pistols. Shrinking with terror and grief. Mothers were clutching their children to their breasts, were running with terrible shrieks back and forth on the glade, looking for escape.
>
> The Gestapo members were snatching children from them, took them by the legs or arms and threw them alive into the pit, and when the mothers ran after them to the pit they shot them.

I refer to USSR Exhibit Number 9, already submitted to the Tribunal, entitled "The Report of the Extraordinary State Commission of the Crimes of the German Fascist Invaders in the City of Kiev." Quoting this document, beginning with the sixth paragraph from the top, page 5:

> On 29 September 1941 the Nazi bandits drove thousands of peaceful Soviet citizens to the corner of Melnik and Dokterovskaya Streets and from there to Babi Yar, where they shot them, after they had taken all their valuables from them.

Citizens M.F. Petrenk and N. T. Gorbacheva, who lived near Babi Yar, stated that they had seen how the Germans threw babies into and buried them alive with their dead or wounded parents. "One could see the surface of the ground move."

Thus, these were not individual occurrences but a systematic plan, this inhuman terror with regard to children. The chiefs of German Fascism understood that this form of terror would be particularly awful for those who remained alive. Compassion for the weak and the defenseless is a human trait. Applying their particularly barbaric methods to the children, the German Fascist criminals were showing the rest of the population that there is no crime, there is no cruelty before which they will stop for the purpose of pacifying the occupied territories.

Children did not simply share the fate of their parents. Frequently the acts of terror were directed against the children alone. Children were forcibly taken from their parents, concentrated in one place and then done away with.

I refer to the report of the Extraordinary Commission, already submitted to the Tribunal, entitled "Concerning the Crimes of the German Invaders of the Territory of the Latvian Soviet Socialist Republic." I shall read this document, beginning with the fifth paragraph from the top, in the second column of page 4.

"The German devils did not shy back from many one. They murdered men and woman, healthy people and the sick, children and old people. In the central prison of Riga, they murdered more than 2000 children, whom they had torn from their parents, and in the Salaspilsky prison, they killed more than 3000 children."

With regard to the methods used by the Germans to separate children from parents, especially those parents who were imprisoned in a concentration camp or in the ghetto, the Tribunal will learn about this from the report of the Extraordinary Commission on the Crimes of the Hitlerite Invaders in the Lithuanian Soviet Socialist Republic.

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This report was laready submitted to the Tribunal as USSR Exhibit Number 7. Quoting from this report, beginning with Paragraph 6 in the first column of page 5:

"Toward the end of 1943 the Germans began to send civilian men and women of various ages as well as children to the former Prisoner of War Camp near the air port in Kaunas. The number of inmates in the camp fluctuated between 1200 and 1500 people. A daily report which was found in the Camp Office shows that on 3 January 1944 there were 433 healthy and 26 infirm men, 737 healthy and 42 infirm women and 253 children, all in all there were 1.491 inmates in the camp on that day. At the beginning of 1944 the Germans dragged away from this camp children between the ages of 6 - 12. Vladislav Blum, an inhabitant of Kaunas, testifies: "Heart rendering scenes took place in front of my eyes. The Germans took away the children from their mothers and sent them to an unknown destination: many children died with their mothers at that time".

I further submit as evidence, the verdict and the approved report of the Extraordinary State Commission on the Tortures and the Shooting of Children in the Domachev Children's Asylum of the Brest Region in Byelo Russia. The document is submitted as USSR Exhibit Number 63. I shall read from it, beginning with the first paragraph of the text :

"The emplyees of the children's home - the principal A.S. LEJANOVA, born 1919, member of the KOMSOMOL; the chief of the faculty E.D. GRATSCHEVA, A.J. USOWA, born 1919, were relieved of their offices when the Germans entered. In the year 1942, the woman LIJINOWA was shot by the Germans. 15 Jewish children, from the ages of 2 to 12 years, were excluded from the children's home and were transferred to the "Ghetto". Afterwards, 14 of them were shot, and only one girl, OLJA KAWAKEROWA, 12 years old, was successful enough to escape and save her life.

By order of the German occupation authorities of the district, the chief of the region of PROKOPSTSCHUK ordered the principal of the children's home A.P. PAVLJUK to poison a sick child, LENA RENKLACH, 12 years old. After PAVLJUK refused to carry out the order, LENA RENKLACH was shot in the vicinity of the children's home by policemen, allegedly "while trying to escape". In order to save the children from starvation and death,

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one had distributed 11 of them among the local population in the year 1942 and sheltered 16 of them with relatives. On 23 Sep 42 at 7 o'clock in the evening, a five ton truck appeared in the yard of the children's home with 6 armed Germans. The group leader, named MAX, declared that the children would be brought to BREST and ordered to bring the children to the truck. 55 children and their teacher GROCHOLSKAJA were transported away with the truck. One girl, 9 years of age, TOSSJA SCHECHTMETOV was successful to climb out of the truck and to run away, the remaining 54 and the teacher were driven away in the truck in the direction of the station DUBITZ, which was located 1.5 km away from the village LEPLEVCA.

The car stopped at a frontier emplacement 800 meters away from the river "Western Bug, the children were unloaded from the truck and undressed, which is shown by the children's clothes on the returning car, and were shot afterwards.

The following inhabitans of the village LEPLEVKA have testified to the shooting of the children of this children's home:

JAKINTSCHUK MATRENA IVANOVNA, PANASJUK E.J., LOBATSCH I.I., AND BOGLAI M.T. At the time of the shooting these were in the vicinity of the place of the crime and heard the crying and all others visited the place of the crime and saw the bodies of the children and the ground, seaked with the innocent blood of the children."

Reading further, the last paragraph of the document:

"The blood of the innocent orphans of Russia, Byelo-Russian, Ukrainian, Polish and Jewish nationality calls for the righteous revenge of every honest man.

The report was signed on 25 Nov 1944 by:

1. E.D. GRACHEVA
2. A.J. USOVA
3. O.J. GOLOWEIKO
4. W.O. MASEPTSCHIK
5. A.P. PAVLYUK
6. D.L. KOSLOVKSKY
7. KALINOWSKAYA.

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Appendix: 6 reports of the interrogation

10 petitions, submitted by the citizens.

The executive Committee of the Domachevsky Region confirms the above report

Signature

The Chairman of the Executive Committee

The Secretary

The report was registered by the district commission of BREST.

Secretary of the Commission

From the material of the Extraordinary State Commission

No I 23 Dec 1944

(Signed) Secretary of the Commission. "

Children were torn in two while still alive and thrown into the fire.

I shall now refer to the testimony of witness Hamaidas, a native of the village of Lisinchi in the Lvov Region, who was confined by the Germans in the Yanov Camp in Lvov.

Hamaidas' job in the camp consisted of burning the corpses of the shot. Simultaneously, he could not help but be witness to the mass shootings of the civilian population, including men, women and children.

The testimony of Hamaidas, together with the other documents referring to the Lvov camps, was already submitted to the Tribunal as Exhibit Number 68.

Citing two lines from the testimony of Hamaidas, from page five of the document, second line from the bottom:

"I often witnessed the executioner taking the children by the feet, tearing them apart and throwing them into the fire."

The point was that while shooting the parents, the German murderers did not consider it necessary to vaste ammunition on the children. When they did not throw the children alive into the grave, then they often murdered them simply by hitting them with something heavy or striking their heads against the ground.

I beg that the Tribunal add to the material of the Tribunal, as USSR Exhibit Number 6-5, the Report of the Extra ordinary State Commission on the Crimes Committed by the German Fascist Invaders in the Cities of Lvov and Rava-Russkaya.

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On Page 3 of these documents there is a report written by the Commission on the basis of the testimony of Professor Avdiev, M.D., who is the chief legal-medical expert of the Red Army, as well as of several other legal and military experts, who were responsible for exhuming the corpses from the mass graves around the Yanov camp.

Page 4 of the document contains the conclusions of this medical-legal commission made after exhuming the corpses.

I shall read two lines from this conclusion. (Second paragraph of the second column)

"The executioners did not consider it necessary to waste ammunition on the children. They simply killed them by hitting them on the head with any available object, sometimes the butt of a gun."

Children were often cut into parts by rusty saws and subjected to other tortures.

I refer again to the contents of the Note of the People's Commissar for Foreign Affairs of the USSR, dated April 27, 1942. I shall read from this document, beginning with paragraph 3 of the second column on page 16.

"The invaders are subjecting children and adolescents to the most brutal tortures. Among the 160 children, who were wounded and mutilitated by torture - victims of the Hitler terror in the districts of the now liberated Moscow Region who are undergoing treatment in the Russakov Hospital in Moscow - there is, for instance, a 14-year-old boy, Vanya Gromov, from the village of Novinki, whose right hand the Hitlerites amputated with a rusty saw after strapping him to a chair. The Germans chopped off both hands of 12-year-old Vanya Kryukov from the village of Kryukovo, Kursk Region and drove him streaming with blood in the direction, where Soviet troops were stationed.

On January 9, 1942, SS men (soldiers of the fascist guard detachment), not long before the blows of the Red Army compelled them to retreat from the village of Ksti, Kalinin Region, forcibly drove all the aged, women and children to the outskirts of the village and proceeded in the most brutal fashion to murder child after child in front of the mothers, who had been compelled to bring them along. An SS man snatched her two-year-old son from the arms of Garayeva, a peasant woman, bashed his head against a post before

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her very eyes and shot her two daughters, aged six and seven. A like fate overtook many of the other children, after which about 70 women and old men were driven into a barn and burnt to death.

In the village of Potapovo, Smolensk Region the Hitlerites planted delayed action mines in two houses, and locked in 47 woman and children who had no suspicion of the danger, which threatened them. At 7 p.m. on January 26, 1942, both houses blew up in the sight of German patrols who had been stationed near them, all 47 perishing.

As appears from the affidavit drawn up on January 14, 1942, by inhabitants of the villages of Alferyevo and Timkovo, Moscow Region, the invaders, after having looted all the inhabitants of these villages and consigned all buildings without exception to the flames, led about 100 women, children and old men, at that time constituing the entire civilian population of both villages, into a field and opened machine-gun fire on them killing 42 people, including mothers with their infants and other young children, and wounding over 20. The fascists forbade the rendering of any medical aid whatever and did not allow the wounded to be brought in from the field, leaving them to die of their wounds and the cold. The remaining inhabitants, including children, were forced to accompany the retreating Germans and served as a cover against the fire of attacking units of the Red Army. On the way, by threat of torture and shooting, the Germans compelled them to clear the road of snow, to dig graves, and to perform various kinds of arduous labour. The Hitlerites had removed the warm clothing from all the people, whom they had driven off, keeping the latter in the open, giving them no food, beating those who were exhausted by the heavy labour with their rifle butts, and shooting those who were incapacitated.

A group of women and children, inhabitants of the village of Rachitsa, Smolensk Region, whom the Germans drove in front of their advancing units in their counter-attack on the village of Budskiye Vyselki on February 1, 1942, died the death of heroes. When the women and children neared the Soviet positions they boldly called out to the Red Armymen: "Fire, the Germans are behind us". The Hitlerites answered the brave patriots with automatic-rifle fire, killing four children and three adults. Among the killed are E.I. Shishikina and her eight-month-old son, Yuri; S.M. Zhukovskaya and her

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sons Gennady, aged 15, and Valentine, aged 13; and Anna Yurkova, aged 14."

Children were the first to be poisoned by hydrogenmonoxide in the German death machines, which the Russians called "killers".

In confirmation of this, I refer to the material already submitted as USSR Exhibit Number 1, which is the Report of the Extraordinary State Commission on the Crimes of the German Fascist Occupants in the Stavropol Region.

Page 2 of this document, beginning with paragraph 4 from the top, states:

"It has been established that in December 1942, by command of the Gestapo Chief for the city of Mikojan-Schachar, Lt. (Oberleutnant) Otto Weber, there took place an extraordinarily cruel massacre of Soviet children who were undergoing treatment for tuberculosis of the bones in the sanatorium of the Teberda healts resort.

Eye-witnesses of this crime, Nurse S.E. Ivanova and Sanitary Orderly M.I. Palupanova, employed at the children's sanitoria, testify as follows:

"On 22 December 1942, a German motor vehicle drove up to the entrance of Ward I of the sanatorium. Seven German soldiers, who had come with the vehicle, dragged from the sanatorium 54 seriously ill children, ranging in age from 3 on up, and placed them inside the vehicle, in several layers. They then closed the door, let the carbon monoxide stream in, and drove away from the sanatorium. An hour later, the vehicle returned to the Teberda settlement. All the children had died. They were murdered by the Germans and thrown into the Teberda ravine near Gunatschgir."

Children were also drowned in the open sea. To confirm this, I request that the Tribunal add to the materials of the trial evidence the Report of the Extraordinary State Commission on the German Crimes in Sevastopol. It was submitted to the Court as USSR Exhibit Number 63. I shall read this report, beginning with the seventh paragraph of the first column of the text.

"Besides the mass shootings, the Hitlerites carried the criminal drowning of peaceful citizens on the high sea.

The Prisoner Cpl. Friedrich Heile of the troop battalion 2-19 MKA/

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Naval Transport Company/ testified:

"When I was in the port of SEVASTOPOL, I saw how large groups of peaceful citizens, among them women and children, were brought to the harbor with automobiles. All the Russians were loaded on a tow barge. Several people resisted, however they were beaten and driven on board by force. Altogether, 3000 people were loaded on. The cargo ships put to sea. The weeping and the crying of misery was heard for a long time yet in the harbor. Several hours past and the cargo ships returned to the harbor empty. I found out from the ship's crews that all the people were thrown into the sea".

The fire of heavy artillery was often purposely directed against schools, children's asylums, hospitals, and other children's institutions in Leningrad.

They quite consciously wanted to annihilate the children of Leningrad. The soldiers of Goering and of Keitel couldn't bear to think of entering the city without first having broken every law and every custom of war, such as doing away with children by direct artillery fire, such as murdering children by any other method whenever opportunity presented itself, for this was part of the regime of terror which was planned for the city.

To confirm this, I submit to the Tribunal the Summary Report of the Leningrad City Commission for the Investigation of the German Crimes.

This report is submitted to the Tribunal as USSR Exhibit Number 85.

I shall read, beginning with the first paragraph from the top of Page 13:

"Cruelly and senselessly the Germans battered obviously non-military objectives, dropped bombs on them and fired on them. Evidence of this is contained in numerous testimonies of captured Germans, in diaries of the operations of the artillery divisions of the German troops which occupied Leningrad, in the plans captured from the Germans of Leningrad on which the objectives were marked by numbers. The majority of objectives were non-military. For instance objective No. 736 was a school on Laburin street, No. 708 the Institute for the Care of Mothers and Children, No. 192 a home for pioneers, No. 89 the hospital called Erisman, No. 96 the First Psychiatric Hospital, No. 295 the Gostinnij Dvor. A special list of shooting targets contained the busiest street-car stops, busy street intersections."

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Continuing to read from this document, paragraph 1 of Page 12:

"The principal of school No. 218, Rubinstein street 13, wrote: 'On 18 May 1942 school No. 218 suffered from artillery fire. . .The 12 year old boy Lenja Isarow was killed. The little girl Dora Rinamowa got pale and moaned with pain: "Mummie, how can I exist without legs?", she said. Gendelow Lowa bled to death. He was helped but aid was no longer necessary. He died in the arms of his mother with the words"Damn Hitler." The seriously wounded Kutariow Schena pleaded not to grieve his father because of his heart ailment. The teacher and the older pupils treated the afflicted. Four pupils were killed and seven wounded. The blood shed of innocent children is crying for vengeance.'

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On the 14 May 1942 during artillery fire twelve children, [illegible] years old, from the Children's [illegible] of the factory called Uritzki were killed. The enemy systematically shot on busy street intersections and street-car stops. An exploding shell at the street-car stop [illegible] and Sadovaja street killed [illegible] men and wounded [illegible] on 1 May 1943. On 7 January 19[illegible] [illegible] men

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On the 14 May 1942 during artillery fire twelve children, 4-6 years old, from the Children's Home of the factory called Uritzki were killed. The enemy systematically shot on busy street intersections and street-car stops. An exploding shell at the street-car stop corner Nievski and Sadovaja street killed 49 men and wounded 87 men on 1 May 1943. On 7 January 1943, 98 men were killed and 76 wounded as a result of an exploding shell on the corner of the stop Vischgorodskaja and Lesnoj street."

Twelve kindergarten students at the Kindergarten belonging to the factory of Uritsky were killed on the 13th of May 1943. They ranged from 4 to 6 years of age.

The enemy concentrated its fire on the busy street crossings, on tramcar stops and other populated points within the city. For instance, a shell, properly aimed, fell at the tramcar stop on the corner of Nevski Prospect and Sadovaia Street on the 1st of May 1943, wounding 87 and killing 49.

Another shell, aimed at the tramcar stop on the corner of Vyjegorodskaia Street and Lesnoi Prospect, fell on the 7th of January 1943, killing 98 and wounding 76. Most of the victims were kids in their teens from a craft school nearby. On the 12th of October 1943, a shell fell on a tramcar on the corner of Lesnoi Prospect and Litovski Street. Several days later another shell burst on the same spot, obviously aimed, and also hit a streetcar. 83 were killed and 49 were wounded.

The physician of the Fourth Battalion of the M.V.D. in Berlin and Nurse Tverskaia testify that:

"The doctor of the 4th battalion of the local air-raid defense Berlin and the nurse Tverskaja wrote: '8 September 1941. A shell exploded in the street. On the side-walk a dead woman is lying with outstretched arms. Next to her a basket with

food. The wooden fence is scattered to pieces and covered with blood. Pieces of the smashed body, intestines, bloody bone splinters and brain particles are sticking to the fence. On the sidewalk lies a corpse of a pregnant woman, torn in two pieces. The dead body of a still unborn child can be seen. In the court yard are the dead bodies of five girls from 5-7 years old. They are lying in a semi-circle in the same order in which they had stood and played ball until the moment of their death."

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The German Fascist criminals meant the children of Leningrad to die from hunger. Citing from Paragraph 4, Page 15, of the report, I read:

"In these months of terrible hunger, while shooting at Leningrad, the Germans said, 'Today we fed the people of Leningrad once more. They should be thankful. After all, they have nothing else to eat.' (From the testimony of

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the prisoner-of-war, Corporal Eric Krugke.)

Omitting one paragraph, I continue:

Witness Physician Milova describes the situation of a typical Leningrad family in those days of the winter 1941-42 in the following manner:

"On a cold January day of 1942, in the evening, I was called to Apartment Number 57 at 11/13 Borovaia Street. The door into the apartment was open. Having found the room I needed, I walked in with out knocking. I saw a terrible picture. The room was in semi-darkness. Frost was on the walls. There were puddles of frozen water on the floor. On the chairs lay the corpse of a boy about 14. In a baby carriage was the second corpse, that of a tiny baby. On the bed lay dead the mother, K.K. Vandel, Near her, rubbing her chest with a towel stood the oldest daughter, Kikkau. Lost life cannot be brought back. In one day Mikkau lost mother, son, and brother, all dead from hunger and cold. At the door, barely able to stand from exhaustion, stood Lizunova, a neighbor, who had gone mad looking at the dying. She died the following day herself."

In the "camps of destruction", these particularly barbaric institutions of German Fascism, these specially created camps for putting to death millions of people, it was children that were subjected to the most cruel type of torture and death.

To prove this, I submit as indisputable evidence, in accordance with Article 21, the report of the Extraordinary State Commission, entitled "The Enormous Crimes of the German Government in Oswienzim." This document is submitted as USSR Exhibit Number 8.

I shall read this document beginning with the sixth paragraph of the second column on Page 7, which is entitled, "THE MURDERERS OF CHILDREN."

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Murder of Children.

In camp AUSCHWITZ, the Hitler criminals murdered hundreds of children from babises to 16 year olds, As a rule, the children, as seen as they came from the train, were sent to the gas chambers at once to be killed, and only a small number of strong adolescents were retained in the camp for work. The investigations have shown that the Germans demanded the same hard physical work from children 8 to 16 years as they demanded of adults. Work which surpassed their strenght, tortures and beatings brought them soon to a condition of complete exhaustion and then they were murdered. Ex-prisoner Dr. JAKOV GORDON from WILNIUS, testified during his questioning: "At the beginning of the year 1943, 164 boys were selected from the inmates of Camp Birkenau, brought to the hospital, and there, they were killed by the injections of carbolic acid into the hears."
Ex-prisoner BAKASCH WALDRAUT from Duesseldorf (Germany) testified:
"In the year 1943, when we worked on the construction of a fence around the crematorium No. 5, I myself saw, how SS men threw living children into the fire." Here are the statements of several children, who were saved by the Red Army. S. MUDIANOC, a boy, born in the year 1930 in the city of ROD, stated: "We children were forced to work in broups of 15 to 20 and to pull carts. They were loaded with various things, but mainly with the bodies of victims. We brought them to a special block, where they were piled up and then taken to the crematorium. We worked from 4 o'clock in the morning until darkness. End of October, the Germans examined our work and punished us, because the block was not clean. One hundred and fifty had to assemble in the street near the block and then were brought to a bathhouse and undressed. Cold water war poured over us, afterwards we were driven along the street to our block. Consequently, many children became sick".
ANDREAS LERINCIAKOS, a boy of 9 years from the city of KLEZ (Hungary) stated: "After we were driven to block 22 in the camp, we were beaten, and mainly by the German women, who were put over us as guards. They beat us with sticks. During my stay in the camp, Dr. MENGELS took blood from me frequently. In November 1944, all children were transfered to the A-camp, the gypsy camp: during the counting, it was found that one child

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was missing. After that, the leader of the women's camp BRADERB and her assistant MENDEL, drove at 1 o'clock in the morning out into the open, and left us standing there in the cold until noon".

Children, who were born in the camp, were torn away from their mothers by SS men and killed. Women, who were delivered to the camp in a pregnant condition, were brought at once to special barracks, and premature birth was caused. Pregnant women, who resisted, were brought to the gas chambers.

The former prisoner "SOFIA KAKOVNA from Cracow stated: "Many of the women, who were brought to the camp in August 1944, had children from 5 to 12 years of age. All children, together with their mothers, were sent immediately on arrival to the crematorium. I was pregnant in the 7 th month, when I arrived. SS doctor KOENIG examined me and sent me to barrack V-3 (Birkenau). There, I found 65 women, who wore in similar conditions. Three days later, I received an injection into the hip in order to case a premature birth. I was subjected to this injections for four days. On the fifth day, I brought a child into the world, who was taken away from me. During my stay in the barracks, I was witness to 14 such cases. Newborn or premature babies were taken away. We did not know where to."

Among the liberated prisoners from Auschwitz, who were medically examined, there were 180 children, 52 of whom are under 8 years of age and 128 between the ages of 8 to 15 years. All came to the camp in the second half of 1944, that is they spent between three to six month in the camp. The medical examination showed that 72 of 80 children had tuberculosis of the lungs or glands, 49 suffered from the consequences of malnutrition (most serious conditions of exhaustion) 31 children had frostbites. "

And this is what the children themselves say about the treatment they received from Fascists, that is, children who were liberated by the Red Army.

"We kids had to work in groups to 15 to 20 persons, pushing carts with various merchandise. Frequently we also had to push carts loaded with corpses into a special block where they were picked up for the crematorium. We worked from 4;00 a.m. until night. At the end of October 1944, the German inspector punished us for not keeping the block clean. The 150 of us were lined up in the street, taken to the swimming pool,

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where we were made to undress, had cold water poured over us, and then, naked, we were taken along the street to our own block, after which many of the children became sick."

"The nine-year old Lerinziakosh, Andrash, a native of the city of Klez in Hungary, testified:

"When we were brought to the camp in the 22nd block we were beaten a lot, particularly by the German women who were supposed to look after us. They used sticks to beat us. During my residence in that camp, Dr. Mengale took blood from me. In November 1944 all the children were transferred to Cam A, which was called the Gypsy Camp. During roll call one of us was found missing. Then the chief of the women's camp, named Brandem, and her assistant, Mendel, pushed us all out into the street at 1:00 a.m. , and left us in the cold until the following noon as punishment."

Babies who were born in camp, the SS guards took from their mothers and murdered immediately. In case of pregnancy among women in the camp the women were immediately put into a separate barrack where abortions were produced. If the women objected they were sent to the gas chamber.

A former prisoner, Sophie Isakovna, from the City of Cracow, testified:

"Many of the women who arrived in camp in August of 1944, had children between the ages of 5 and 12. All the mothers, together with the children, were sent to the crematorium almost immediately on arrival. I was seven months pregnant when I arrived in camp. The SS physician, Koenig, discovered my pregnancy during the entrance examination, and immediately sent me to the barrack called "Birkenaw," where there were 65 other pregnant women, After three days there they gave me some sort of a shot in the hip for the purpose of producing abortion.

"These shots were given to me for four consecutive days. On the fifth day I gave birth to a child who was immediately taken away from me.

"There were 14 such occurrences in the barrack while I was there. The prematurely born babies were taken immediately away from us."

"Among the liberated prisoners examined by the physicians in Oswienzim there were 180 children, among whom there were 52 under

eight years of age and 128 between the ages of 6 and 15. All these arrived in camp during the second half of 1944. In other words, they were in camp between 3 and 6 months. All these 180 children were subjected to a medical examination, which established that 72 were sick with tuberculosis; 49 were suffering from extreme exhaustion, and 31 children had parts of their bodies frozen".

In their mad hatred of the Slavia peoples, the German Fascist criminals attempted to kill the children even while still in the wounds of their mothers.

I beg the Tribunal to attach to the material of the trial a directive, entitled, "How to administer food and rural economy", particularly the section called "The treatment of pregnant mothers of non-German nationality". This document represents an appendix of the Report of the Yugoslav Government. I am submitting it to the Tribunal as USSR Exhibit Number 92. Here is the text of the document:

"During recent times there appears to be a considerable increase in the fertility of women of the non-German nationality. Thus, in addition to the difficulty of utilizing these women for labor, there also arise other dangers of the racial and political character which we cannot underestimate.

"Although the organization of the special institutions for children of non-German nationality has already been begun, it is quite obvious that it will take some time before these institutions become a reality.

"The quickest way of dealing with the problem, and the simplest, is to notify the institutions employing the non-German women of the women's pregnancy at the earliest possible date.

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"These institutions must try to make the women get rid of the children in various ways. Since many of the village leaders still do not know that they have to inform the Labor Exchange immediately about the pregnancy of non-German woman, I request that such information be published immediately in the official bulletin of the rural leaders, and that at every peasant meeting the leaders make it known to all concerned that the woman's pregnancy must be immediately made known to her employer. At the same time the leaders

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of the various enterprises must take all measures to prevent the registration of the child who happened to have been born, for as long as possible, whenever the child is of the non-German nationality. "This copy is certified and signed by (cannot make out the signature)".

This whole organization of cruel and low methods for getting rid of children, which is shown by me here only in part, was part of that technique of depopulation of the region which Hitler discussed with Rauschnigg. The crimes committed by the Hitlerites against the children of the Slavic peoples will forever remain the most disgraceful page in the history of German Fascism.

At the same time, these crimes committed by the German Fascists against the children form one of the most serious parts of the indictment against the Nazi chiefs, today sitting in this room.

The same technique of depopulation was applied to mass executions conducted immediately, on the same spot where the concerned persons were just detained and arrested.

The Germans had a special terminology for the crimes they committed in the various executions. They referred, for instance, to the mass executions by the special term "action".

Ususally these so-called actions were put into effect by the "Sonderkommando". However, frequently, since ther were some executions to conduct, the field units of the Army, the SS units, and the gendarme units, were asked to assist.

The destruction of the population by means of these mass executions, which were called "actions", by the perpetrators, occurred in all the territories of the occupied countries, regarding which I report to the Tribunal.

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I am submitting data on various countries.

Poland

I am quoting the report of the Government of the Polish Republic, on page 46, the fourth paragraph from the top.

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3. Terror and mass reprisals.

a) During the whole period of German Occupation in Poland civilian population was exposed to hardship and cruelties by the occupant. It was not only that by issuing laws and decrees contrary to International and Polish law the Nazi authorities violated their obligations as belligerents, they went much further. On top of the may restrictions, discriminations and "legalised" crimes – a wave of crime swept Poland. All this was done with the full knowledge and approval of the highest authorities of the German Government at that time.

b) In order to give an exact picture of the situation one would have to write the history of occupied Poland between the years 1939 – 1945, recording daily crimes, barbarities and violence.
This will be the task of the historian. But in this legal indictment some of the most atrocious and cruel deeds will be recorded. Only some of them.

c) The massacre at Anin:

Late in December 1939 a bandit shot a Polish Policeman in the neighbourhood of Warsaw. Investigation ascertained that the culprit stayed in a public house at WAIBR near Warsaw. Thwo German gendarmes went to arrested him. When they entered the public house he opened fire killing one of them and wounding the other. In reply to that the German authorities ordered on December 28th 1939, reprisals to be taken and a punitive expedition went to the village.
A detachment of the Landesschutz under the command of an officer marched to Wawer and the summer resort Anin.
Both places were surrounded by a line of soldiers. The owner of the public house, where the incident occurred was hanged at once and the body remained pending in front of his house for three days.
At the same time the male inhabitants were dragged out of all houses. Having thus collected something between 140 – 170 men the Germans ordered them to stand at the railway station with their faces to the wall and hand clasped on the heads for several hours. After their indentity was cheqned some of them were released but the vast majority were told that they would be executed. Thereafter they were conducted

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into open field, divided into groups of 10 - 14 persons and shot with machine gun fire.

The number of single graves found in the place of execution totalled 107. Among the executed were two doctors, 30 of them were youngsters under 16 years, and 12 of them were over 60. One of them was an American citizen of Polish origin, who was shot with his son. (Mr.SZCYGIEL).

d) The mass murder at Piastoszyn

During the night of October 21-22, 1939, the farm of the German intendent a certain FRITZ in the village of Piastoszyn (German denomination: Pretzin) was set on fire by unknown persons.

In spite of the lack of evidence a punitive expedition was ordered to the village Piastoszyn.

On October 23rd the German newspaper WEICHSEL ZEITUNG reported on the case as follows:

> "In the district of Tuchel the farm of the Volksdeutschen Fritz situated outside the village of Pretzin, was set on fire on the night of October 21-22 by Polish bandits. The Volksdeutsche Fritz suffered from a heart-attack. Upon the orders of the head of the civil administration a punitive expedition was sent to the locality, in order to teach the guilty bandits that acts of this kind would be treated with the utmost severity. By way of retaliation ten Poles known for their hostile attitude towards Germany were shot. In addition, the Polish population in the neighbourhood has been ordered to rebuild the burnt buildings and to pay compenstion for the damage done."

A clear plea of guilty of the crime committed.

e) The massacre at Leszno.

In the first days of September the Germans of Polish nationality, inhabiting that region, armed with grenades, revolvers rifles and machine-guns attacked their Polish fellow citizens. That attack was arranged in connection with the German military operations to pave their way into Poland. But it came too early and the Germans were defeated.

After the occupation of Leszno by the German troops the German authorities took revenge by starting a massacre of the Polish population which lasted for almost two month. A great number of prominent Poles in the district were arrested, brutally beaten with rifle butts, truncheons and whips.

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On October 21st, 1939, twenty representatives of the local Polish population were shot at the foot of the Law Courts. Many others were secretly executed while in prison.

A ditch used as a common grave for the purposes was dis covered in the forests of Rydzyna near Leszno.

The number of victims run into several hundred persons.

f) In the middle of January 1940 a family of German colonists in the village of Józefów was robbed and murdered by bandits, as the Germans themselves later reported in the Press. - Yet a punitive expedition was sent to Józefów. On the way to the village the expedition got stuck in the mud on the road. Eleven peasants were brought in to the help in moving the vehicles. As soon as their job was completed all of them were shot dead. The expedition proceeded to carry out further massacres. All men that could be seized in Józefów and in the surroundings, even boys of eleven years were arrested and shot on the spot.

The victims of that expedition include:

30 persons of Józefów Maly.
14 persons of Józefów duży.
70 persons of Bronislawów Stary.
60 persons of Zakopie.
25 persons of Bielany.
18 persons of Ruda.
26 persons of Nowiny.
13 persons of Sereba.

The execution completed, seventeen workers were brought into dig graves for the victims and for themselves - as they were shot after having completed their job.

Many other persons were killed by the German officials. Altogether the number of victims amounted to 300 persons.

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The inhabitants of Yugoslavia were murdered on masse in extremely cruel ways. I am quoting the report of the Government of the Yugoslav

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Republic, from page 13 of the Russian text.

(Insert H-2) to page 192

1. MASS MURDER OF THE POPULATION AND DESTRUCTION OF INHABITED LOCALITIES.-

Acting in accordance with Hitler's principle that "only soil and not the people can be Germanized", during their occupation and throughout all the provinces of Yugoslavia without exception, the Germans endeavoured to exterminate the population in various ways, committed all possible kinds of crimes -- slaughtering in a beastly manner, both en masse and individually the noncombatant civilian population --- old, women and children alike.

We quote here only a few of those most characteristic and typical atrocities out of the countless number of the already established Hitlerite crimes, which clearly show that all this has been carried out in accordance with a prearanged plan and under the orders from the highest authorities in Germany. In accordance with the general orders and instructions from the Government of the Reich and the OKW (the German Supreme Command), the German commanders from the beginning to the end of the occupation of Yugoslavia and throughout all the occupied areas without exception, issued general orders and instructions which gave effect to the planned destruction of the population, of their homes and property. Thus, for example, Lt. General NEIDHOLDT, issued an order to the German troops in Bosnia and Hercegovian (The "Divisional Order No. 121" of 11.9.1944, No. 260/44), ordering the 369th Infantry Division to carry out the "purge" of Hercegovina. The Paragraph 8 of this order reads as follows:

"The localities of ZAGNJEZDE and UDOR are to be destroyed.
The male population of these localities should be hanged
and women and children dispatched to Stolac."

We submit to the Tribunal a certified photostatic copy of this order as the Yugoslav Document J / 17.

In a similar manner the Intelligence Colonel BUSSEMI issued to the commanders of German regiments before the beginning of an offensive the following "Instructions regarding the gathering of information concerning the enemy", No. 1025/44 of 11 July 1944:

"When reporting on enemy losses a report should be made only
of those prisoners and killed on the enemy side, who were
caught arms in hand, or those who have been killed in the
course of the fighting. All the others must be considered as

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arrested civilians, and other dead. This distinction is important".

This instruction had as its aim to avoid mentioning in the official reports those innumerable victims among the non-combatant population who were pitilessly killed by the Germans.

We submit to the Tribunal a certified photostatic copy of these "Instructions", as the Yugoslav Document J/18.

In the spirit of the orders from the supreme German military leadership, the artillery General BADER, in his capacity of the Supreme Commander and Commandant of Serbia, issued the order of February 28, 1943, regarding the reprisals which were to be applied against the civilian population on the territory of Serbia. General BADER in the following words referred to this order in the communication Ia, Nr. 684/43 of March 2, 1943 sent to Bulgarian Lt. General NIKOLOV:

"I consider of particular importance that the orders of a general nature, and particularly the order concerning measures of reprisals of 28/2/43, should be correctly transmitted".

We submit to the Tribunal the certified copy of an excerpt from the above mentioned communication, as the Yugoslav Document J/19.

However, even before his appointment to the position of the "Kommandant of Serbia" General BADER exercised functions of the representative of the German High Command in Serbia, and as such pitilessly applied measures of reprisals and terrorisationagainst the population. In one of his public "warnings" to the population of Serbia, which was posted in all towns and villages, he literally declared the following:

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"...Whoever disturbs peace in the country, be he a follower of the insurgents, or supporter of their aims, or organises or carries out acts of sabotage, is to be from now onwards, without any pity, put to death."

We submit to the Tribunal the certified photostatic copy of this "Warning" as the Yugoslav document J/ 20.

During General BADER's command in Serbia, and in accordance with his orders, one of the worst crimes was committed. This was the massacre carried out by a German "punitive expedition" under Major KOENIG on 21st October 1941 in KRAGUJEVAC (the oldest cultural center of Serbia). Besides KOENIG, in the organisation and execution of this crimes, participated also the KREISKOMMANDANT BISCHOFHAUSEN, the ORTSKOMMANDANT Dr. ZIMMERMAN and others.

Some ten to fifteen days before this crime a German battalion arrived in Kragujevac as reinforcements to the German garrison of this city. Before this crime three villages were destroyed: MECKOVAC, MARSIC and GROSNICA, all in the vicinity of Kragujevac. On this occasion, on October 19, 1941 the "punitive expedition" killed 66 persons in the village of Meckovac, 101 persons in Marsic, and 100 persons in Grosnica, All the murdered persons were peaceful citizens of the above mentioned villages.

When after these crimes the "punitive expedition" arrived in Kragujevac, the Germans began to carry out their plan of the destruction of the population of Kragujevac, and in particular of the Serbian intelligentsia. As a first move in this direction the KREISKOMMANDANT, Dr. ZIMMERMAN, at the beginning of October, demanded from the Headmasters of the secondary schools of Kragujevac that they make the children regularly attend their classes, as otherwise the absent children would be considered as saboteurs and shot. Under such a threat all the pupils regularly attended their school-classes. After that, on October 18, 1941, in accordance with a prearranged list, the Germans seized

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and arrested all the Jews of male sex, as well as all those whom they considered to be "communists". All the arrested were put into the Army barracks of the former Yugoslav Motor Transport Command in STANOVLJANSKO field. They were held there without any food whatever until October 20, when at about 1800 hours all were shot. On this occasion, more than 60 people were killed. On the same day, October 20, the Germans began to round up all the male citizens of Kragujevac without distinction. After having first blocked all the exits from the city, the Germans forcibly entered all the public offices, the Town Hall, the District Police Office, courts, and so forth, and dragged out all the officials and judges. Furthermore, the Germans dragged out all the teachers, and all the pupils from the Fifth Class upwards together with their Headmasters from the "Gymnasium" (Secondary School) as well as from the Teachers College. The arrested, together with the workers who were collected on the way, were escorted into the barracks of the Third Artillery Regiment. On their way they were told that they were being taken there only for the purpose of establishing their personal identity. The prisoners of the local jail were also taken into these barracks.

When the round-up men reached the courtyard of the barracks, all their belongings were taken away from them. The first to be shot were the prisoners from the Kragujevac jail, about 50 of them. The others were locked into the barracks and on the following day, October 21, starting at about 700 hours in the morning, they were taken out in groups to the Stanovljansko Field, where they were shot by machine-guns. On every occasion when the victims were not dead from the machine-gun fire, they were finished off by bullets from pistols and rifles. The Germans would then return for new groups of victims. When the execution of all the groups was completed, they arranged a military parade through the city. Some 400 persons from among the arrested, who were not shot on this occasion, were held as hostages. The last groups of those who were shot, were tied together by ropes or even barbed-wire.

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It is estimated that in this massacre about 7,000 people lost their lives. The names of 2,324 (two thousand three hundred twenty four) victims identified. Among them were 144 (one hundred fourty four) boys under 18 years of age, as well as 11 men above 70 years of age.

The German local Command (STANDORTKOMMANDANTUR) admitted in its proclamation ("Obznana") to the population of Kragujevac of October 21, 1941 that altogether 2,300 (two thousand three hundred) persons were killed.

We submit to the Tribunal a certified photostatic copy of this proclamation, as the Yugoslav Document J/21.

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After the massacre was carried out, the relatives of the victims were forbidden even to approach the place where the shooting was carried out until the victims were burried and all the traces of the shooting removed. The families of the victims were also forbidden to give any memorial services to the victims, or that in the certificates of their death the fact that they were shot should be entered. The same German "punitive expedition" which committed the above mentioned crimes, destroyed on its way also the greater part of the townships of Gornji Milanovac, Rudnik and Krupanj.

In the town of KRALJEVO another massacre of enormous proportions was carried out simultaneously with the one in KRAGUJEVAC. About 5,000 (five thousand) victims were shot. These victims again were rounded up by the Germans in accordance with the same system and by the same methods, from all offices, institutions, factories, schools and so on. Among the victims there were engineers, judges, professors, workers, farmers, as well as refugees from Slovenia, Croatia and Bosnia.

On this subject we submit to the Tribunal the official report which was made to the State Commission in Belgrade by the Federal Commission of Serbia for Investigation of Crimes committed by the forces of occupation and their collaborators U.No. 5876 of September 6, 1945, - as the Yugoslav Document J/22.

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Two months earlier, in August 1941, the German SS troops carried out a series of mass-torture and murder of the population of the Northern Macva Province and the town of SABAC in Serbia. These crimes will remain for ever in the memory of the surviving inhabitants as "The Bloody March" and "The Camp of Yarak".

The organiser of the atrocities committed there was the KREIS-KOMMANDANT of Sabac, QUASNY.

On August 20 and 21, 1941, at his order, soldiers of a "Punitive Expedition" killed 140 peaceful farmers in the village of Prnjavor. At the same time, on the night of August 20/21, ten persons were killed in Sabac itself, and their bodies hanged on the electric poles in the town.

After these events, a massacre of enormous proportion began in the same area. At the beginning of September 1941, a large German punitive force rounded up in Sabac all male inhabitants between 14 and 70 years of age and dragged them on to the so-called "Bloody March" from Sabac across the Sava River to the place called Yarak in Srem Province and back. About five thousand men and boys had been forced to run all the distance of 23 kilometres and back. Those who lagged behind because of exhaustion were pitilessly killed on the spot. As there were many old and weak men among them, the number of victims was extremely large, this particularly during the crossing of a bridge on the Sava River. The running column was met here by rifle butts, so that many victims fell from the half destroyed bridge into the river and drowned. In the camps of Klenak and Yarak, where they spent the night, these unfortunate people suffered from hunger and other ill-treatment. However, when this group returned, another group of 800 peasants was again driven along the same road, but they suffered still greater tortures: They had all been forced to walk or run with unlifted hands, and along the road they were systematically killed so that only 300 of those who left Sabac reached the camp of Yarak alive.

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In the meantime, the German punitive expedition burned four whole streets in Sabac and killed all the remaining male citizens of the town. Other German formations rounded up the peasants from the neighboring villages, drove them into the center of Sabac and had them shot in groups of 100 or 200 at a place called Bare. A very small number of these people survived the "Bloody March" and were thrown into prison. This prison was soon to become the Sabac Camp through which from 1941 until 1943 passed about twenty-five thousand men.

The following evidence is submitted to the Tribunal in support of the charges for the above-mentioned crimes:

--Certified copy of the affidavit made by Nikodije Vicentic and Mihajlo Lelic, of February 16, 1945, who were interrogated by the District Branch of the Yugoslav State Commission in Sabac, as the Yugoslav document J/24;

--Certified copy of the affidavit made by Stanko Sckulich, of 17 February 1945, who was interrogated by the District Branch of the Yugoslav State Commission in Sabac, as the Yugoslav document J/26;

--Certified copy of the affidavit made by Dimitrije Djordjevic, Mihalo Dojcinovic, Nikola Stefanovic, Stevan Jovicic, and Ljubomir Petrovic, of 6 February 1945, who were interrogated by the District Branch of the Yugoslav State Commission in Sabac, as the Yugoslav document J/27;

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---Certified copy of the affidavit made by Stevan Tsitovic of 18 February 1945, who was interrogated by the District Branch of the Yugoslav State Commission, as the Yugoslav document J/28;

---Certified copy of the affidavit made by Milorad Jelesic of 20 February 1945, who was interrogated by the District Branch of the Yugoslav State Crime Commission in Sabac, as the Yugoslav document J/29.

The system of destroying the population and the inhabitants of localities by the so-called "punitive expeditions", became the regular means of government in the occupied territory which was regularly applied without any pretext whatsoever. Thus, for example, the Feldkommandant of Vrnjacka Banja, Hoersternberg by name, issued an order to a "punitive expedition", composed of SS troops and Feldgendarmerie to destroy the villages of Mackova and Kriva Reka Reka in the Krusevac District. The punitive expedition fell suddenly upon these villages, rounded up all the grownup male villagers, and then began killing the seized villagers, destroying and burning houses. A number of the men seized, about 45 of them, were locked in the village church of Kriva Reka, which was later mined and blown up, together with the victims. Among the bodies and debris in the vicinity of the church, the body of a man who had been grilled on a spit was found.

There were about 120 households in the villages lf Kriva Reka and Mackovac before these events. Now there are only 20 households in these villages, which escaped being burned to the ground. All the livestock was driven away (about 800 head of cattle and 3,000 sheep), and all the food and fodder taken away or destroyed.

We submit to the Tribunal as evidence, a certified copy of the report made by the District Police Office of Krusevac of 20 October 1942, to the Ministry of Internal Affairs of the Quisling government of Milan Nedic in Belgrade, as the Yugoslav document J/30.

The fact itself, that there exists even an official report made by German Quisling collaborators in Serbia on the subject, is the best testimony of the cruelty with which the Germans systematically committed the crimes of the kind which were described above.

We shall submit to the Tribunal a certified copy of this report.

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In the seized archives of the German Feldkommandantur in Belgrade, a document was found which contains proof of a drastic example of such annihilation of entire localities and of their inhabitants. This is one only of the thousands of similar crimes which were committed during the occupation of Yugoslavia. The document in question is a "Public Announcement" printed in the form of posters, and contains literally the following:

"The Military Commandant in Serbia makes it known:

In the village of Skela, a Communist band fired shots on a German military truck.

It was established that some inhabitants of this village observed the preparations for this surprise attack.

It was established that such inhabitants of this village were in a position unnoticed to warn the nearby Serbian Gendarmerie Post.

It was established that these inhabitants of the village could, completely unnoticed, inform the German military vehicle of the prepared attack (Atentat). They took no advantage of this opportunity, and thus they sided with the bandits.

THE VILLAGE OF SKELA WAS RAZED TO THE GROUND BY FIRE.

While fire was in progress, ammunition exploded in several houses. This also proves that the inhabitants of the village were accomplices.

All male inhabitants of the village for whom it was established that they were accomplices were shot.

Fifty Communists were hanged on the spot."

This announcement of the German Military Commander in Serbia reveals all the ruthlessness of the Hitlerite forces of occupation in their mass destruction of the innocent population and of their habitations.

We submit to the Tribunal a certified photostatic copy of the seized "announcement", as the Yugoslav document J/31.

Though almost all German troops carried out in Yugoslavia innumerable crimes of mass killings of the

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population and of destroying entire inhabited localities, still the notorious SS divisions particularly distinguished themselves in such criminal activities. One of them was the Division "Prinz Eugen", composed mainly of the German minority in Yugoslavia, the so-called Volksdeutsche, and its commanding personnel consisting mostly of officers from the Reich. This division was formed by the Hitlerite Lt General ARTHUR PHLEPS. His successor as the commanding officer of this division was General Schmidthuber. This division committed innumerable crimes of which we give only a few examples:

Dr. Eugen Stumf, a Lieutenant of the 1st Battalion of this Division, who was taken prisoner in Yugoslavia, as a witness declared among other things, the following:

> "The most blood-thirsty officers of the 'Prinz Eugen' division who personally ordered massacres of the population and killing of the wounded fighters of the National Liberation Army, were the following: Arthur Schmidthuber, Colonel of the 14th Regiment, who I believe was born in the vicinity of Munich; Herbert Folmer, a Major and commanding officer of my battalion...Dietsche, a Major and the commanding officer of a battalion of the 14th Regiment. The aforesaid Dietsche and Schmidthuber ordered the massacres of Sutjeska... When one day we reached a locality in Piva, Schmidthuber, upon entering the house of a teacher, whose wife had two days previously given birth to a child, ordered that the whole family should immediately leave their home...there were twelve persons in their house. As they did not leave the house immediately, Schmidthuber ordered all of them to be shot immediately...I quote this only as an example, but such cases were countless."

We submit to the Tribunal the certified copy of an affidavit made by the witness STUF on 18 October 1944, when interrogated by the Military Court of the 45th National Liberation Shock Division on the front line, as the Yugoslav document J/ 2.

This Division--the "Prinz Eugen", together with detachments of the SS division, the "Devil Division" ("Teufels Division"), killed in Dalmatia many hundreds of Yugoslav citizens, exterminating families and villages, which after the massacres were completely looted and burned. Thus, for example, in the period between March 25

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and 28, detachments of this division fell upon several villages in the vicinity of Donji Dolac and Otok. We quote here a few sentences from the report made by the State Commission for Croatia in respect to these crimes:

> "On March 26 1944...they broke again into the same village...and began to pillage, plunder and to kill the peasants...the majority of the victims had their throats cut or were locked in their houses set on fire while all those who tried to escape from such houses were mowed down by machine guns...
>
> "On March 28 1944, German SS troops of the Division "Prinz Eugen" and the detachments of the "Devils Division"...fell upon the neighboring villages and killed with machine guns and grenades countless numbers of the Croatian population, and burned alive a large number of others, setting fire to their property. Thus, in the villages of Irivodol 300 persons were knifed or burned alive,... in Vostani 645 people, and in Ruda 700 persons... in the village of Trapo 45 persons were locked in a house and burned to death; 150 people slaughtered and burned in the village of Ovrlj; in the village of Strana 6 people were killed, one of whom was stretched over a wooden plow and burned to death... in one house a baby in a cradle was killed. The bullet went through his eye..."

We submit to the Tribunal the report of the State Commission for Croatia No. 863 /6 of July 21, 1945, as the Yugoslav document J/33.

In a similar way, the detachments of the 373rd SS division called the "Tiger" committed innumerable crimes of the same kind, particularly in Lika. The Yugoslav State Commission has at its disposal an abundance of material in this matter, though the investigations have not yet been completed.

In Slovenia, Croatia, Dalmatia, Bosnia, and Hercegovina operated the German troops, which were part of the so-called "East" group, under the command of the Lt General Joseph Brauner. The commander issued an order to his troops on 30 August 1943, No. A A.I. Ic 6462/43. SEI, in which among other things he ordered:

> "3) The measure of reprisals, as has already been ordered, and to be as until the present, carried out in the most severe manner.... In the areas occupied by the partisans...the seizing of hostages of all strata of the population remains the only successful means of intimidation. Apart of this, it may be necessary to collect all the male inhabitants in the prisoners' assembly centers

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and to transport them to the Reich, insofar as they have not already been hanged or shot for their participation or support for the partisans, and insofar as they are able to work. The attacks against the German soldiers, the destruction of German property must in every case be followed by shooting of hostages, destruction of neighboring localities, and so forth..."

"The measures of reprisals are to be ordered by the commanders of the divisions or regiments."

We submit to the Tribunal the document seized by the Yugoslav National Liberation Army units in the course of military operations from the archives of the 3rd Company, 2nd Battalion, 4th Domobran Mountain Regiment of the Quisling Croat Army, to which the order of General Draumer was being communicated, as the Yugoslav document J/34.

General Draumer issued another order to his troops (German and Quisling) in the same spirit on November 3, 1943, No. ABT. IA/E. AZ. 4C9418/43., in which, among other things, he ordered the following:

"b) Apart of seizing the hostages, the following punitive measures are to be considered:

--a. Trying of hostages by courts martial and carrying out death sentences on the place where the offense was committed.

--b. Deporting parts or the entire population from localities or sending them into camps.

--c. Destruction of parts or entire inhabited localities..."

We submit to the Tribunal a certified photographic copy of the document which was seized by the Yugoslav National Liberation Army in the course of military operations in the archives of the 2nd Battalion, IV Mountain Division of the Croat Quisling Army, to which the order of General Draumer was communicated, as Yugoslav document J/35.

On the basis of such orders issued by the highest ranking German commanders, the German troops carried out innumerable crimes against the civilian population.

The same system was introduced in Slovenia by the Gauleiter Uiberreither, who has already been mentioned. In his area, through decrees and laws he gave a legal

appearance to these crimes. The Yugoslav Army seized a large number of official notes taken at the conferences Ueberreither had with the members of his staff in the period from 1941 to 1943. Among these documents, details were also found of mass destruction of the population, of which we quote here only a few:

From the minutes of the conference of November 12, 1941: "As a measure of reprisal for the latest events, another 30 persons were shot."

From the minutes of the conference of January 5, 1942: "On December 27, 1941, as answer to a surprise attack, 40persons were shot."

From the minutes of a conference of June 29, 1942: "Within this reporting period, in the District of Celje, 105 people were shot and 362 arrests made."

From the minutes of the conference of July 13, 1942: "On June 30, 1942, 67 persons were shot in Celje, 6 among them women, and on July 7, 1942, 37 people were shot in Celje under special proceedings...during the last 14 days, circa 400 people were arrested...it can be reckoned that a half of the arrested persons, that is to say circa 200 people, will be made harmless by shooting them or putting them into a concentration camp."

From the minutes of the conference of December 21, 1942: "Since the beginning of the activities of the bands, in July 1941, 164 bandits were shot on the spot by the Police, and 1,045 were shot under special proceedings". (Sonderverfahren").

In this manner, many thousands inhabitants of Slovenia were shot.

We submit to the Tribunal a collection of original official notes of the staff conferences held by Ueberreither in the period from October 10, 1941 until November 30, 1943, as the Yugoslav document J/36.

In the same way as Ueberreither, who in his area carried out mass extermination of the civil population,

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in another part of Slovenia, the chief of the German civilian administration, RUTSCHERA, introduced a system of terror, which he himself personally directed. As early as September 1941, shortly after the National Liberation insurrection against the forces of occupation took place, Rutschera issued a proclamation announcing, and attempting to justify, new persecutions still more horrible than those already carried out. Among other things, the following is stated in his proclamation:

> "I am , therefore, forced to apply the most severe measures, which will bring undescribable misery upon the entire population, and which will affect innocent as well..."

And, it did.

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Mass Annihilation by the Germans of the Citizens of the USSR.

However, in spite of the cruelty and the magnitude of crimes committed by the Hitlerites against the population of Poland and Jugoslavia, the Hitlerite crimes on the temporarily occupied territories of the Soviet Union by far surpass them in the magnitude of the crimes committed as well as in the base and lowly methods used for mass murders. The object was always to increase the sufferings of the victims.

These Hitlerite crimes are really unsurpassable and without precedent as regarding means employed in mass executions. We can judge of the circumstances by the testimony of the witnesses and the execution of the crimes.

We can also judge of them in part by the material gathered by the medical experts. I say "in part", because beginning with 1943, afraid of the retribution for the crimes committed, the Hitlerites began to destroy traces of their crimes. They excavated and burned the corpses. They ground the bones and strew the ashes in the fields, and also employed the slag from the cremation of corpses and the bone flour for field fertilization and for roads repair.

Notwithstanding the efforts of the criminals to conceal the traces of their crimes, it was impossible to destroy all the corpses of the murdered people.

With the mass shooting of the peaceful citizens in the town of Kiev, began a long series of similar crimes of the German Fa cists in other towns of the Soviet Union, such as Kharkov, Minsk, Riga, and other towns, where tens of thousand of people were annihilated simultaneously.

The crimes committed by the criminals in Babi-Yar is unusual amidst a series of other mass murders of Soviet citizens in that it was committed on the ninth day after the capture of Kiev by the Germans. In other words, during the first days after the capture of the locality, the shootings were carried out by the Germans, in most cases, only on a small scale. Shootings of peaceful population in the first days of the German occupation usually were carried out only as warning measures. At that time they could not be considered as mass murders or exterminations by the German Fascists of populated localities and cities but some time later.

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The interval was employed for secret preparations for the crimes. The criminals determind the elements who were to be annihilated; they brought to the intended execution place police regiments or "sondercommandos"; they prepared the ditches; they concentrated those who were to be murdered in one spot

All these secret preparations took usually a considerable period of time, in some instances a month or even more.

The magnitude of the drimes of German Fascist aggressions in the town of Kiev are characteristic of the data incorporated in the report of the Extraordinary State Commission, submitted to the Tribunal under Number USSR ?
I am quoting page ___ paragraph ___ from the text.

"A special commission composed of: Chairman N.S. Khrushchev, and members of the Commission: Minister of Education of the USSR academician P.Tychin Secretary of the Union of Soviet Writers of the USSR Academician M. Rylski, Candidate of Biological Sciences of the Academy of Sciences of the USSR-D.Markovski, and the medical experts: Professors Ya.I.Pivovenski, Yu.Yu. Kramarenko, A.M. Zyukov and legal-medical expert professor N.A.Shepelevski, in the presence of the representatives of the Extraordinary State Commission U.D. Shevzov, determined that, according to the incomplete evidence, there were tortured shot and poisoned in "murder vans" in Kiev over 195,000 of Soviet citizens, including:

1. In Babii Yar - over 100,000 men, women, children and aged.
2. In Darnitza - over 68.000 Soviet prisoners of war and peaceful citizens.
3. In the antitank ditch in the vicinity of the Syretzk Camp and at the camp itself - over 25,000 peaceful Soviet citizens and prisoners of war.
4. Within the grounds of the Kirillov hospital - 800 inmates of the lunatic asylum.
5. Within the grounds of the Kiev-Pechersk Monastery - about 500 peaceful Soviet citizens.
6. At the Lukyanov cemetery - 400 peaceful citizens. "

In the note of the Peoples Commissar for Foreign Affairs, V.M. Molotov, of 6 January 1942, which was previously submitted by me to the Tribunal, it is stated that the Hitlerites exterminated 52,000 men, women, aged and children in Babi-Yar

The results of the investigation show that in Babi-Yar, in fact, over 100,000 peaceful citizens were exterminated, including children and old people. The corpses of the murdered in Babi-Yar during the mas "action" were later, in accordance with Hitler's order, burned in order to conceal the traces of the crime.

However, the testimony presented by the people recruited from the number of the arrested who took immediate part in the burning of the corpses and by those who formed special worker brigades permit us to determine the magnitude of this mass murder. This could also have been done by other means. For instance, by examining the remains of the burned corpses.

I am further quoting the report of the Extraordinary State Commission entitled "The German Fascist Bestialities in the Town of Kiev", on page 5 of the document, beginning with paragraph 1 to the end of the second paragraph on page 6:

"In 1943, sensing the uncertainty of their position in Kiev, the occupants, attempting to conceal the traces of their crimes, excavated the tombs of their victims and began to burn the corpses. For the work on burning of the corpses in Babi-Yar the Germans recruited the inmates of the Syrezk Camp. SS officer Topade was placed in charge of this work together with members of the Gendarmerie, Johann Merker and Focht, and the commander of the SS platoon, Rever. The witnesses: L.K. Ostrovski, S.B. Brlyand, V.U. Davydov, P.Ya.Steuk, W.M. Brodski, who escaped from the shootings in Babi-Yar on 29 September 1943, testified:

"As war prisoners, we were located in the Syrezk concentration camp, situated in the vicinity of Kiev. On the 18 th August, numbering 100 men, we were sent to Babi-Yar. There we were put into chains and were ordered to excavate and to burn the corpses of Soviet citizens who had been exterminated by the Germans. The Germans brought here granite monuments and iron grills from the cemetery . From these monuments, we made platforms, on which we placed rails; on top of these rails we placed the iron grills. On the iron grills, a layer of firewood was placed and on top of this layer of firewood, a layer of corpses. On the corps again there was placed a layer of firewood, and the whole was covered

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cver with gasoline. This system was employed in preparing layer after layer of corpses; then they were ignited. In each one of such "ovens" there was placed from 2,500 to 3,000 corpses. The Germans formed special brigades of people who were employed for the removal from the corpses of ear rings, rings, and gold teeth. After all the corpses were burned, new ovens were arranged, and so forth. The bones were ground into small parts. The ashes were strewn in the ditch, so that no traces would be left. Thus we worked from 12 to 15 hours per day.

"In order to expedite the work, the Germans used excavators. From 18 August until the day of our escape, 29 September, approximately 70,000 corpses were burned. It was also here that the corpses of men, women and children murdered in gas chambers were brought".

In accordance with the order of the Extraordinary State Commission, after the liberation of Kiev from the German Fascist aggressors, excavations were undertaken in places of mass annihilation of Soviet citizens in Syrezk camp, Babi-Yar, Darnitza and other places. German war prisoners took part in the excavations. After the termination of the excavations, German war prisoners gave the following testimony:

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"We, 850 German prisoners of war at the Kiew war prisoner camp, were given the opportunity by the Soviet authorities to convince ourselves of the crimes committed against the Soviet population during the occupation of Kiev by the Germans. 160 men chosen by ourselves in our midst undertook the excavation of five of the numerous ditches. In two ditches alone we discovered 150 murdered Russian citizens. In other places they came across numerous remains of burned bodies, bones and garments. We certify that in Kiev mass murders of unprecedented magnitude were committed. The victim peaceful Russian citizens number scores of thousands of men, women and children. Who did that, we don't know. It must have been perpetrated by the German occupation army, predominantly the SS or the SD units of the field gendarmerie.

There following the signatures amongst which are: Major-Intendant 208 San. staff doctor of the 246the regiment Dr. Hellenbrandt, assistant doctor of the 3rd battalion of the 76the regiment - Dr. Becker, military priest of the Evengelical Chruch 208 - Krummacher. Lt. 208 Yunge, Lt. of th 215the battalion Gerhardt and others....."

The mass executions were also conducted by the Germans on the territory of the Latvian SSR.

The extent and the type of method used in these executions of the civilian population of Latvia in general, and of the city of Riga in particular, are shown by the report of the extraordinary state commission on the crimes of the German fascist invaders on the territory of the Latvian SSR, submitted to the Tribunal already as USSR Exhibit No. 41.

Reading from this report from the fourth paragraph of page 5, in the second column:

"The Germans also killed inhabitants of RIGA and the suburbs in the woods of BIKERNEK, DREILIN and RUMBUL. In the wood of BIKERNEK, on the outskirts of RIGA, the Hitler gang shot 46,500 civilians STABULNEK, a witness who lives in the vicinit of the wood, testifies: " On Friday and Saturday before Easter 1942, fully occupied busses went back and forth day and night

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I counted 41 busses, which passed my house before noon. On Easter Sunday, many inhabitants, myself among them, went into the wood to the place of the shootings. There we saw a large open pit, filled with shot women and children, nude or in the underwear. The bodies showed signs of torture - many had bruises in their faces and on their heads. Several had their hands or fingers cut off, their eyes gouged out, their beely slit open." The mass shootings in the wood of BIK[illegible] were confirmed by witnesses, who lived in the vicinity of the places of the shooting: K[illegible]KLYNS, L[illegible]KSINS, Z[illegible], S[illegible]RZINS, DZEDULYS and many others. The commission discovered at the places of the shootings 55 graves with a total area of 28285 square meters.

In the wood of DREI[illegible], 5 to 7 kilometers from RIG[illegible] along the cross - country highway to LUB[illegible], the German shot more than 13,000 civilians and prisoners of war. The witness GANUS testified: "Beginning of August 1944, the Germans opened the graves and burned the bodies throughout a whole week. The wood was blocked off by German guards with machine guns. After 20 August, black, closed cars, filled with women and children, so-called refugees from RIGA , began to arrive. They were shot, and their bodies were burnt at once.... I was hidden in the brush and watched this terrible scene. The people cryed terribly. I heard shouts: "Murderers! Butchers! " The children cried: "Mother, do not leave me alone." The bullets of the murderers cut of their cries.

The German also carried out mass shootings of civilians from RIGA in the wood of RU[illegible]UL, On the basis of the findings of the commission, and the testimony of the witnesses O. CRUMINS, M. LUTTY, E. S[illegible]UL, L. K[illegible]SONS, I. P[illegible]D[illegible], B. Z[illegible]NULIS, [illegible]. [illegible] and many others, it was established that the Germans shot 38,000 civilians in the wood.

In DAUGAVPILS (DVINSK) , the Germans shot hundred of Soviet citizens from the prisons and camps annually.

In the ZLATAYA GORKS District, between the village POGULYANKA and the country house of BUDZEVITSCH in the vicinity of the prison, the German shot 43, 000 men, women and children, One, who has participated in the horrible atrocities of the Germans in DAUGAVPILS, the gravedigger WITZEN, testifies: "The mass shootings in DAUFVAPILS began end of July 1941. I worked as gravedigger in SREDNYAJA POGULJANKA".

We dug the grave, 100 meters long, three and a half meters wide and two and a half meters deep, for 800 to 1,000 bodies. At daybreak, the German drove those, doomed to die, among them women and children of various ages, to this grave, where they began to undress their victims and to rob them. The air was filled with the lamenting and groaning and the crying of the children. The mothers led their children by the hand to the graves. The people were shot in the back of the necks in groups of ten to twelve. I saw a pile of humans with shattered heads lie in their own blood. Then the police began to distribute the clothes, shoes and other property of the shot people. As gravedigger, I received several pairs of shoes, pants, a trench coat and a woman's head scarf."

Most of the investigations conducted by the extraordinary state commission, as well as by the other investigating organs, show that a certain percentage of the people during these mass executions were buried alive, not as an exception but as a rule.

I remind the Tribunal of the report of the extraordinary state commission of the city of Kiev, regarding shootings of children, which has already been quoted by me. Quoting this time from line 32 of Page 5:

"One could see the top layer of the earth on the freshly covered graves moving slightly from the movements underneath of the people who were still alive."

Quite frequently the executions quite purposely subjected the victims to the more torturous death of burning or buried them alive, not be mistake but quite intentionally. I shall read from USSR Exhibit No. 47, already submitted to the Court, which is the report of the extraordinary state commis-

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sion on the crimes committed by the German-Rumanian invaders in the city and the district of Odessa.

Page 4 of the document contains a description of two mass executions of the citizens of the city, namely, those of the 19th of October 1941, and of the 21st of October 1941.

(Page 200)

"On 21 December 1941 the Rumanian Gendarmerie commenced with the execution of the inmates of the camp. The latters were taken, under heavy guard, to a half-destroyed building at the edge of a wood. There they were forced to kneel down at the edge of a pit and were shot. The dead - and in many cases individuals who were only wounded - fell from the edge of the pit into its depths, where a giant fire of straw, reeds (Schilfrohr) and firewood was blazing. The executioners tossed living infants into the flames of this great fire. Corpses were burning day and night. Inhabitants of the village of Bogdanovka saw from their houses at night a great fiery glow in the direction of the State Farm.

Pavel Stenoga, a member of a khokhoz (collective farm), testified before the commission, that people in the village of Bogdanovka "heard shots all day long and could see the flames of the giant fire in the daytime and at night while the wind blew the odor of human flesh into the village.

Regarding the extent of the crimes of the German-Rumanian invaders in the city and the district of Odessa, testify the following facts from the report of the extraordinary state commission. Quoting the third paragraph of the second column on page 4 of the document:

"According to the preliminary data available, the commission has established that the Germans and the Rumanians have shot tortured to death and burned in the city and the district of Odessa up to 200,000 persons."

As additional evidence of the fact that during mass executions people were frequently buried alive, I submit to the Tribunal as USSR Exhibit No. 37 the report of the extraordinary state commission of the 24th of June, 1943, and request that it be attached to the materials of the trial as evidence.

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I shall read from the section of this document which is entitled "The German crimes in the city of Kupiansk".

(Page 201) During the opening of the grave at the foot of Chalk mountain in Kupiansk, there were found 71 corpses, which included 62 men, 8 women, and a baby. All the corpses lacked shoes and some lacked clothing."

I am reading from paragraph 4:

"The commission establishes the fact that the wounds on many of the corpses were not fatal, and that the persons were obviously thrown into the grave alibe. The same is confirmed by the citizens who were near the grave immediately after the shooting took place, and who both saw the top layer of the earth move and heard moans from underneath the ground."

(Page 202) I request the Tribunal to attack to the material of the trial the minutes of the testimony of Joseph Ivanovitch Vasilevick, who was questioned by the prosecuting attorney of the city of Stanislav at the request of the extraordinary state commission. The witness was a member of the squad which was burning corpses of persons shot at the cemetery of the city. Reading from his testimony:

"At the beginning of 1943 we burned the people right near the cemetery, for which purpose dry wood was brought there. There were many occasions on which children and women were thrown into the grave alive. One woman whose name I do not remember asked the officer not to shoot her, and he gave her his word that she would not be shot. He even said, 'I give you my word that she would not be shot.' When the shooting of the other people was over the officer himself took her into his arms and threw her into the grave, and thus she was buried."

Thus one can see that in many cases the burial of the people alive was committed not incidentally, but quite intentionally for purpose of added cruelty. In other cases the burial alive was caused by simply not bothering

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to verify the fact of death.

Analysis of the materials on the exhumation of the corpses shows that toward the end of 1941 and in 1942 the Germans were not particularly careful about masking their actions and camouflaging the mass graves. Too often the burning of the corpses and the

camouflaging of the graves did not take place or took place imperfectly, in spite of instructions to that effect from the center.

In 1942, in spite of certain defeats, the Germans were still sure of their victory and for that reason sure of the fact that they would go unpunished.

I submit to the Court as USSR Exhibit No. 2A, documents which are appended to the report of the Extraordinary State Commission entitled "Report on the Crimes Committed by the German Fascist Invaders in the Stylinsk District."

I request also that the report of the 3rd of October, 1943, on the crimes committed by the German fascist invaders at the Alabasta Works within the vicinity of Artemovsk, document No.2, also be attached.

I am reading from page 5 of this document, first paragraph:
Page 203-206.

"4. Report on atrocities committed by the German Fascist invaders on the alabaster quarries in the vicinity of the city of Artemovsk in the Stalinski Region.

"Report.

"According to the statement of the residents of the city of Artemovsk, in the presence of the representative of the Extraordinary State Commission on the establishment of crimes committed by the German fascist invaders, Koudryavtzev, Dmitry Ivanovic, the Commission, consisting of the president of the Commission, member of the Executive Committee of the Stalinski regional workers counsel in charge of the regional health department Dubrova Fekla Gabrilovna, and members of the Commission, professor, doctor of medical science Vojnar Alexej Jocofovitch, professor, doctor of medical science Tcharougin Andrej Ivanovic, Major of medical service Abramov Anrej Andrejevic, the president of the municipal counsel of the city of Artemovsk Balandin Feodor Antonovic, curate of the Vsehsvyatsky church priest Kreschanovsky Yoann Xenofontovich and residence of the city of Artemovsk, witnesses of the crimes Pzudenko Cidor Feodorovich, Yestchenko Feodor Antonovich,

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"Oratovsky Michael Stepanovich, has inspected on October 30, 1943, the alabaster quarries and established the following:

"2 kilometers East of the city of Artemovsk in the tunnel of the quarries of the alabaster plant, 400 meters from the entrance, there is a small opening blocked up by bricks. After it had been opened a continuation of the tunnel was discovered in a form of a narrow passage which was rising steeply and at the end of which there was an oval-shaped large cave up to 20 meters long, 30 meters wide and 3-4 meters high.

"The entire cave was filled with corpses, leaving free only a small space near the entrance and a narrow strip in the centre. They were lying close to each other with their backs toward the entrance-opening of the cave. The corpses were touching each other so closely that at the first glance they looked as a continuous pile of bodies interwoven with each other. The back rows of the bodies were heaped up on the front rows, pressed to the walls of the cave and piled up in several rows, in a standing position,or with their knees bent.

"Due to particular local conditions (relative dryness of the air, low and uniform temperature, the porous character of the cave's floor) a mummification of the corpses took place, and most of them were found in well-preserved conditions.

"Basing its conclusion on the area of the floor and the placing of the bodies in two or three layers the Commission established that approximately 3,000 corpses were in that cave. There were found in the cave also handbags and antigas bags, bundles with household apparel and containing small quantities of food.

"The detailed examination of seven corpses taken one after another out of the entire heap, have shown the following:

"1. Well-preserved corpse of a woman 20 years old approximately. Dressed in warm overcoat with a buttoned-up fur collar. On the head two shawls, the feet in felt boots. In the pockets were found a pack of laundry soda, spool of threads, a pitcher, a spoon, a bundle

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"with food (a small bottle of vegetable oil, small quantity of ground coffee and sugar).

"The entire face was spattered with blood, her dress on the neck and chest was also drenched with blood. In the back of her head on the right side there was a bullet entrance opening, exit opening in the left eye-pit, the face congealed in an expression of terror.

"2. The corpse of a child, a boy approximately 11 years old, dressed in a warm overcoat; on his feet shoes with rubbers.

"On the front of his head there was a bullet opening. A blind wound.

"3. Corpse of a middle-aged man badly preserved.

"Dressed in winter cloth. In the pockets of his jacket were found a clean note-book, a watch heavily rusted, a piece of soap, a padlock, two sealed packages with shaving blades 'Standart', the blades were rusted to such an extent that they disintegrated to powder.

"The skull is intact. In view of the bad condition of the corpse no marks of bullet wounds were established in the body.

"4. Well-preserved corpse of an elderly woman. The right hand is pressed to her face.

"Dressed in winter overcoat. The head is covered with a warm shawl, feet in felt boots. The back portion of her head shows a bullet entrance wound, the exit through the right temple. Her clothes drenched in blood.

"5. The corpse of an infant, 4-5 years old.

"Winter clothes. In the back portion of the head a bullet entrance wound, the exit opening in the front.

"6. Poorly preserved corpse of a middle-aged woman in torn winter clothing. Back portion of her skull fractured, the bones of the lobar portion of the skull separated due to the explosive action of the bullet.

"7. The corpse of a middle-aged man fallen to pieces; the skull

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"is intact, limbs severed, no marks of bullet wounds were found. By the condition of the corpse it was established that death took place approximately a year and a half ago.

"According to the testimony of the residents of the city of Artemovsk on February 9, 1942, several thousand people, carrying with them small household utensils and food, were driven into an abandoned shaft of the alabaster quarries. They were told by the German command that they were to be sent to some other place to leave. Instead they were driven into the cave, where they were subjected to bestial outrages.

"As the cave was gradually being filled with people, they were shot either in a standing position or with their knees bent; another group was driven in who were killed on the pile of corpses and of those who were dying, and the bodies of the killed were heaped up in several layers.

"Some people tried to run away from the murderers and, squeezing each other, were perishing in terrible agonies.

"The Commission considers that among those who perished were also wounded people who, being still alive, were entombed in this cave by the German fascist invaders."

To describe the methods utilized in the mass extermination of citizens, and also to show that many persons were buried alive after the mass executions, I submit to the Court the report of the legal-medical experts who were investigating the manner of the crimes of the German fascists in the city of Kramatorsk.

The exhumation of the corpses was made by a committee of experts which included the chief legal-medical expert of the southwestern front, Shpiganovich; the chief patho-anatomist of the southwestern front, Colonel Shur; and other experts.

During the exhumation there were present the representatives of the military prosecution and of the command of the third army guards, Priest Dmitri Strijko of the Pokrovsk church, and schoolteacher Onischenko.

I shall read from the section of the report entitled "Brief description

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of the Situation."

Page 207, 208:

"I. Brief Description of the Affair.

"The behavior of the German invaders in the City of Kramatorsk, captured by them on the 28 October 1941, their wanton insults and repressions against the civilian population, are made clear by the material gathered together for purposes of preliminary investigation, by the Justice Major of the Third Guards Corps, G.I. Aisenwarg. The material consists of both documents and the testimony of the following local residents: Maria Stepanovna Abrosimova, Vasily Denisovich Vorochek, Savely Pimenovich Roschin, Pelageia Andreevna Pasenko, Xenia Ivanovna Gridneva, Ekaterina Ivanovna Puchkova and Afanasy Petrovich Burenko. Engineer V.V. Shopen, a local resident of German origin who turned out to be a spy, was appointed by the Germans to be the burgomaster of the city. A German lieutenant, Moischke, appointed to be the Chief of the Gendarmerie in the Kramatorsk District, was both the SS and the Police Chief. Together these two began their criminal activity by registering all those men, women and the aged whom they suspected of active sympathy for the Soviet authorities. They ordered these persons to appear every Sunday noon in the Lenin Club Building to be re-registered weekly. During the registration, V.V. Shopen took every opportunity to insult and humiliate these persons. Soon, groups of persons began to disappear altogether. Sunday, 25 January, 1942, Shopen ordered a large group of persons to report to the club building. None of these people ever returned to their homes. There were several hundred of them there that day, mostly skilled laborers and intellectuals from the various organizations of the city. When the friends and relatives of these persons inquired about them, both Shopen and the Gestapo officials replied that "they are working in another city." However, witnesses' depositions establish that in reality they were sent to a concentration camp set up by Shopen and Moischke near the

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"section of the city called 'Chalk Hill' where several workers' residences were adapted for the purpose. All the residents of that section were previously ordered to move out. The section was fenced in by barbed wire. A deep pit with steep edges nearby was utilized as shooting ground. There, beginning with November-December 1941 and until September 1943, groups of peaceful citizens were systematically exterminated.

"Witness, S.P. Roschin, employee of the Kramatorsk Plant, questioned on the subject, testified that while residing in the vicinity of Chalk Hill, he frequently saw groups of people brought to the pit from various buildings, who were then shot. On 27 January, 1942, the number appeared to be particularly large. When the victims were shot, explosives would be applied to the edge of the pit on which the corpses lay. Thus the bodies would be covered up. Witnesses Posenko, Voskovskaia, and Nesterenko testify that the same method was applied to doing away with whole families in the District of Krasnogorsk, 6 kilometers from Kramatorsk. To this fact also testifies Witness Maria S. Abrosimova who was brought to the pit 13 March 1943 to be shot. Abrosimova describes the shooting as follows: Qukck pistol shots in the head and the backs killed most of the victims, including her mother Anna L. Strojenko and Boris V. Boromensky. She herself was wounded in the side and the leg. She fell and pretended to be dead. When the Germans left, Abrosimova crawled to the nearest dwelling where aid was given her. Similar shootings also took place in the village Ivanovka, near Kramatorsk, and in the hamlet of Yasnogorsk where, accidentally, a citizen Vasily D. Vorochek, escaped death. He testifies regarding this as follows: On the 28 January, 1943, together with 26 other persons he was brought to the pit near Yasnogorsk Hill. The group was ordered to line up and the officer in command ordered two soldiers to shot along the right flank, in the backs of the people. When the victims fell, second shots were fired, using dum-dum bullets. The

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"shots were aimed at the head. Vorochek was spluttered with blood and brains of the neighbor and was thus mistaken for dead. The same shootings took place in the Gestapo courtyard inthe center of the city, opposite the Lenin Club B uilding, as testified by E.M. Sologub, F.S. Tereschenko-Kolesnikova, and A.K. Romanova. According to the testimony of the witnesses and the official figures of the City Soviet, over 6,000 persons were shot in the City of Kramatorsk."

Examining an old chalk pit, the experts found down in the depths three sections full of corpses. It was not possible to exhume all of the corpses, due to technical difficulties consisting of the corpses being too far in and covered with chalk. The corpses exhumed consisted of 740 males, 50 females, and 22infants. In addition, as a result of this exhumation, the experts came to the following conclusion:

Page 209:

"The examination of 812 corpses by the Commission, on the 17th and 24th of September, 1943, in Kramatorsk, confirms the testimony of local residents regarding mass murders of peaceful civilians regardless of age or sex. With few exceptions, death took place from a shot in the back of the head, usually done by an automatic at very close range. The victims were shot lying and standing. In few cases, death took place through being hit with some blunt weapon. Victims not fatally wounded were usually buried alive. The condition of both corpses and clothing bring the Commission to the conclusion that most executions took place during the winter seasons of 1942 and 1943."

The Germans developed very special and very characteristic methods which the experts came to recognize and to refer to as the typical German methods. I shall read one of the descriptions of these methods, which is contained in the report of the legal-medical experts, and specifically was made by Dr. Avdeev, who is the senior legal-medical expert of the Red Army in the city of Lvov in the territory of the so-called Yanov camp, located

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at Yanovskaik Street. This document I have already submitted to the Court, when I was describing the mass murder of the Soviet children.

It was submitted to the Court as USSR Exhibit 6-C. I shall read from the first paragraph on page 4 of the section on conclusions:

Page 210: (continue H-3)

CONCLUSION

On the basis of inquests of bodies of persons, who were exterminated by the German-Fashist authorities in the YANOVSKY Camp in the city of L O , one can conclude that mass extermination of the peaceful civilian population were carried out in the YANOVSKY Camp. One primarily exterminated people in the flower of manhood between 20 and 40 years of age. (73.5% of the examined bodies). Mainly males (38%). Children, adolescents and older persons (over 50 years) get the same fate.

According to social position, these were mostly persons, who could do physical work. (farmers and workers). But the share of city people, especially among the women, was also fairly large. The shootings were carried out by ways and means, so typical for the Germans, namely by shots in the back of the neck. However, the slaughterers did not make any effort to aim at a certain part of the body. They shot into the forehead, at throat into the ears, into the chest. A part of the shot people died through shots into the parietal bone. Probably, the deceased were lying down at the moment of the shooting, or they were at the edge of a deep pit, and one aimed at their heads from above. This type and wat of shooting had a serial character, also a number of persons, whose bodies were found next to each other, were killed by shots in the back from a machine pistol. (Established by the bullets, which were found). In another case, 12 men were stabbed with bayonets (knives). Their bodies were on the side. It was a common custom to kill those, who were wounded by firearms, with stabs of bayonets (5 cases could be established) or by repeated shots into other parts of the body (3 cases).

The legal-medical experts' report, submitted to the Tribunal as USSR No. 48, was prepared by the following persons in the city of Smolensk: Academician Burdenko, who is a member of the extraordinary commission; Dr. Prozorovsky, the chief legal-medical expert of the commissariat of health of the USSR; Dr. Smolianinov, professor of legal medicine in the second medical

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institute of Moscow; and Dr. Semenovsky, the senior assistant of the state institute of science for legal medicine in the health commissariat of the USSR. These experts exhumed corpses from 67 places of burial and performed autopsies over 1173 corpses. I refer to the last paragraph of the second page of the report.

Page 211:

Interesting other conclusions to which these experts came in summarizing the results of their investigations on the territory of Smolensk: I shall read from their summary, second paragraph of page 5:

> The overwhelming majority of the t us exterminated were men, mainly between the ages of 20 and 40 year , i.e. in the flower of manhood. This is no mere coincidenc since the majority of the executed women (shot) were also between the ages of 20 and 40 years.

As a rule, after shooting their victims they were stripped of all their possessions. For that reason, the following conclusion of the experts is interesting. I shall read from the third paragraph of the fifth page:

> It was a mark, which occurred frequently, that the eyes were drawn to the fact that the exhumed bodies were without shoes or boots (Rare cases excepted). Generally, pieces of clothing were also missing, or the clothing consisted of worn underwear or of individual pieces of poor outer garments.
>
> The leads to the natural conclusion that the removal of footwear and clothes, which were still of value, was, according to strict legal procedure, preceded the extermination of the Soviet population. In the cases, in which the bodies still had a few pieces of clothing on, no papers, which could prove the identity of the deceased, could be found in the coat pockets with few exceptions. This proves the contimplated attempt to remove every proof of identity of those, selected for execution, and of those already deceased, in order to keep the committed atrocity a secret.

The mass executions, just as all other forms of fascist terror, were accompanied by insults and by humiliations over the people about to be destroyed. This is confirmed by the following quotation from the conclusions of the experts:

> "The disorderly position of the corpses in the graves, where also the carcasses of the dogs and the horses were found, shows a purposeful insult to the human dignity of the Soviet people".

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The same conclusions are confirmed by many other documents which are in the hands of the extraordinary state commission.

The sacreligious treatment of the human corpses was typical of mass executions, not only on the territories of the USSR and not only with regard to the Soviet citizens.

I request that the Tribunal attach to the materials of the trial as evidence the minutes of the testimony of the Serbian farmer Nasor Mida Mlesich Milorad, who was questioned by the representatives of the Serbian federal commission on war crimes in Shabatz.

The minutes of the testimony are properly certified in accordance with the legal code of Yugoslovia. I submit this document as Exhibit 198, and quote the beginning with the fourth paragraph of the second page:

S.S.S.R. 198

R e c o r d

Taken on the 20 February 1945 at the District Branch of the Serbian State Commission for War Crimes in Schabatz.

Milorad-Mica Jelesic, farmer from Majur, after having been informed of the legal consequences of perjury - has given the following

T e s t i m o n y

In October 1941, when the German punitive expedition passed through the Macva, I reported to work at the order of the Germans, just to able to leave the camp, and thusly a group of 40 men was transferred to Klenak and from there to Sremska Mitrovica. We remained in Sremska Mitrovica for 3 days without any food whatsoever. On the fourth day they began to select single groups for work, and when the latter returned in the evening, they were not allowed to get together with us. On Michaelis day, I, with a group of approx. 40 men, was led to Macvansca Mitrovica, and from there to Zasavica. We thought on the way that we were going to be shot, and our fear increased when we were taken to a mass-grave which was approx. 200 meters long, 2½ meters wide, and 2½ meters deep. Later on we discovered, that this mass-grave had been dug by people, who had been taken from our cars on the previous day. The Germans ordered us to go to the river Sava, which was approx. 250-300 meters away, and to sit down. The shore was swampy, and we begged them not to torture us, but rather to kill us right away. Later on we saw that the Germans had driven 50-70 posts into the ground, 3-4 meters away from the grave. At the command, we approached

the grave up to 50-60 meters, and simultaneously a German company of approx. 150 men arrived. The Germans were then brought their dinner, and they all ate. After they had concluded their meal, a group of approx. 50 men in civilian clothing was led out of the corn field, and I saw that they were Jews. Each of them had to remain with one of the posts in such a way that the post came between the feet. All of them were facing the grave. When this had been concluded, the soldiers fellinto one line, so that there were two soldiers to shoot at each Jew. The soldiers were at the most 10 meters away from the Jews, and we stood approx. 50 meters behind the soldiers. Afterwards 4 German soldiers , who carried a spread blanket, stepped up to every Jew, and the latter threw something on the blanket, probably money and other valuables. When this had also been concluded, an officer gave the command, and the Germans, two each for one Jew, shot the Jews into the back of the neck. We had to double-time immediately there at the command, and threw the murdered into the grave. Then the Germans ordered us to search the pockets of the corpses, and to take their money, watches and rings. Since it was impossible to take the rings from the fingers, the Germans supplied me with a pair of pliers, with which I cut off the fingers of the corpses and handed them over to the German.
Just before the Germans threw the corpses into the grave, I saw how the Germans tore out the goldteeth from the corpses; where this was not possible they smashed the teeth loose with their boots. When the work with the first group of the executed had been concluded, we double-time back and a second group of Jews was led out from the corn field, which was disposed of in the same manner as the first group. I cannot exactly remember how many groups were shot on the first day. On the next day the executions continued, like on the previous day. While on the first day all of the executed had been Jews, more Gypsies than Jews were shot on the second day. During the executions, several Germans photographed the various scenes, as for example the victims before the execution, how they stood with the posts between their feet, the graves etc.
In view of the number of groups which were executed and the size of the mass grave of approx. 200 meters, which was filled almost exclusively with corpses (only on one end approx. 5 meters were filled with the packs

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and other property of the executed in the height of 5 meters) I believe that at least 1200 people were shot in these two days.

On the first evening, we left the grave, filled with those executed on this day, open. When we arrived on the next morning, we found several dogs which had begun to feed on some of the corpses, and which were dragging them around. A German shot one dog and exclaimed while pointing to the corpses: "These, also, are dogs", and then pointing at the dog which had just been shot: "And that is their brother".

On the next day we covered the corpses with earth, however individual corpses continued to stand out. It was only after two days had passed, that the group, located in Mitrovica (amongst them myself) was brought to Zasavica, and we completed covering up the grave.

I remained in Zasavica for 7 more days, where we erected a camp; afterwards we were taken to the camp at Schabatz, from where I was discharged after 17 days.

I would like to state in addition, that on the first day a certain Kosovac, a refugee and a member of my group was shot with the Jews; because he had been recognized by the Ustaschis, and turned over to the Germans.

I can testify to all the above by oath.

This record has been read to me, and it agrees with my statements.

signed/ Miliorad Jelesic

Certified:

Recorder

s/ N. Kosovac

Member of the Commission:
s/ Vl. Vujicic.

This is to certify, that this is a true copy of the original, which is located in the archive of the National Commission for the Determination of Crimes of the Occupants and their Accomplices at Belgrade, and also, that it contains the original signature of the witness JELESIC.

President of the National Commission

25 August 1945 at Belgrade.

s/ Dr. Dusan NEDELJKOVIC
University Professor

I, First Lieutenant Grocdic, Investigator of the National Commission, certify, that I am thoroughly conversant in the Serbo-Croatian and the German languages, and that the above is a true translation of the original document.

Belgrade, 25 August 1945

s/ 1/Lt. O. Grocdic.

I, MARTIN L. LOWENTHAL, Civ. (No. AGO No.) hereby certify that I am thoroughly conversant with the English and German languages; and that the above is a true and correct translation of the original document.

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Further, I submit an appendix to the report of the commission which was carrying on the investigation in Smolensk. It is called Report No. 1, containing the results of exhuming and medically examining the corpses on the territory of the former

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Smolensk radio station, 5 to 6 kilometers from the city of Smolensk. The descriptive part of this report contains some objective data which present a full picture of the circumstances accompanying the mass executions.

"The ditches from which the corpses were exhumed - were not mass graves, the bodies in the 3 ditches, instead of lying in an orderly fashion layer upon layer were a disorderly mass of male and female corpses. In this mass of corpses some were bent double, some were half bent, some were lying on their side, others appeared to be kneeling and some even seemed to be standing on their heads. The hands and feet of all these were interwined so that it was impossible to separate one body from another."

This objective description of the picture of execution shows that those who were shot were thrown into the graves in a most disordered fashion. However, this chaotic manner of burial of the bodies appears to characterize only the mass burials which were performed toward the end of 1941 and the beginning of 1942. In the subsequent burials the legal experts find that the corpses are laid down in very orderly fashion, layer on layer. This is explained, not on the grounds that the assassins suddenly discovered any feeling or developed any respect for the bodies of their victims, but merely by the change in the method, which came as a directive from above. To confirm this I also refer as evidence to the report of the extraordinary state commission on the destruction, plunder, and crimes of the German fascist invaders and their allies in the city and the district of Rovno. The document was submitted to the tribunal as USSR Exhibit No. 40. I shall read this report, beginning with the 6th paragraph of the second column on page 4:

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"A man, named KARPUK, who worked on a German farm, not far from Bolaya Street, testified: "I saw often how the Nazis exterminated Soviet citizens Ukrainians, Russians, Poles and Jews. This was done in the following manner: The German butchers drove the doomed persons to the place of execution, forced them to dig a pit and then ordered them to strip down to the skin and to lie down in the pit, face down. The Nazis fired at the back of the necks of the victims with machine pistols, then they had another group of people lie down on top of them, and finished them off in the same manner, after that a third row and so on until the pit was filled. Then they poured quicklime over the corpses and covered them with earth."

Page 214: (X-11 continued)

That which has just been described by Karpuk, a resident of Rovno, was the usual method. The same methods were applied in the destruction camp called Maidanek, in Lubin. Although the criminals had at their disposal a very well built crematorium, and therefore the methods they used seemed quite useless and merely increased the death agony of their victims, unless the method was applied for the purpose of filling the grave to the full. However, the criminals were already well trained in the application of this method, and for that reason might have performed it. To confirm the above, I refer your Honors to the communique of the Soviet-Polish commission investigating the camp Maidanek, which was submitted to the Court as USSR No. 29. I shall read from the 14th paragraph in the first column of page 5:

On 3 November 1943, 18,400 people were shot in the camp. 8,400 of them originated from the camp itself, whereas 10,000 were brought there from the city or from other camps. Three days before these mass shootings, gigantic pits were dug in the area

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of the camp behind the crematorium.

The shooting started early in the morning and ceased late in the evening. SS men brought the people to be shot, after they had robbed them of all clothing, in groups of 50 to 100 to the pits, laid them with their faces down on the bottom of the pit and shot them with automatic rifles. Then a new group of people was laid on the corpses and shot in the same manner until the pits were full. Then the corpses were covered with a thin layer of earth, and they were removed two or three days later, and burnt in the crematorium or out in the open.

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The shooting of the prisoners of Maidanek was carried on in the same typical German manner which I described above. The observation and the convulsions of the legal-medical experts testified to that effect. I continue my citation from the 13th paragraph of the second column on page 5:

The Commission of medical-legal experts under the Chairmanship of Professor SZILLING- SINGALIEWICZ, a professor of legal medicine at the Catholic University of Lublin, and consisting of Doctor of Medicine RUPNIEWSKI, chief doctor of the Lublin city administration, Lt. Col. of the Medical Corps SZMARAWSKY, Chief of the medical legal front-line experts; Lt. Col. of the Medical Corps Doctor of Medicine KRAEWSKI, the highest Pathologist and Anatomist of the front; Colonel of the Medical Corps BLOKHIN; the chief toxicologist of the front; and Captain GRAFINSKA, legal medical expert of the First Polish Army, testified:

"During the examination of 467 corpses and 266 skulls, in 342 cases traces of bullet wounds

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were found, which pointed out that the shooting of prisoners with a 9mm weapon, mainly in the back of the head and in close proximity of the camp, was very much customary in the camp."

Such was the degree of mechanization in this factory of death in Maidanek.

Here is the description of one of the shootings somewhat smaller in scale and somewhat earlier in time, done by the Hitlerites as early as 1939. The shootings of the peaceful Polish women and children were done as early as October, 1939, almost immediately after the seizure of Poland.

The accuracy of the description is indisputable. The document containing this description was captured by our British allies in the archives of Fuehrer's Headquarters. Evidently the German doctor at Headquarters considered it necessary to report to Hitler about these shootings, as they were disturbed by the following facts (quoting from Army physician No. 4, first paragraph on page 2).

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"These shootings, since they are done publicly, give a great deal of food to enemy propaganda, both oral and written, as well as photographic, which can be used as atrocity propaganda against Germany."

I submit this to the Tribunal as USSR No. 342. This report is left by Hitler without any comments. However, there is a note made by Hitler's adjutant to the effect that "the contents of the report are taken into consideration." (Fifth paragraph of page 1 of the Russian text). Signed by Captain Engel. To this report there are attached minutes of conversations with junior officers of the German army dating to the 27th of October 1939, and conducted by the chief headquarters physician and unit commander, Dr. Keller (See his note of 31st of October 1939, on page 3 of the document). I shall read from the minutes of the testimony of Sergeant Paul Kluge

(page 3 of the document). I shall quote this testimony in full.

Hospital transport unit 501

at present Juelich, 27 October 1939

On the order of Army Doctor 4 issued on 24 October 1939, today, to supplement my report to the Supreme Commander of the Wehrmacht, the Fuehrer of the German people, of 9 October 1939, I interrogated in the company office Corporal Paul Kluge, born 19 November 1896 at Danzig, by profession crane operator for the Ruhr steel company Hitten-Annen.

Witnesses to the interrogation were:

1. Captain (Stabsarzt) Dr. Heinrich Bertram, born 26 March 1895 at Bochum, by profession practicing doctor in Bochum.
2. Master Sergeant Otto Paulin, born 30 March 1905 in Bochum, by profession city secretary and military candidate.
3. Walter Wetzel, Corporal, born 25 September 1899 in Mittweide Sa., by profession merchant.

Corporal Kluge, ordered to the interrogation, after I had warned him to tell the truth and called his attention to the possibility that he might be asked to swear to his testimony, gave the following description of events on 8 October 1939 at the Jewish cemetery in Schwetz:

On Saturday, 7 October 1939, while walking around the city I heard from the conversation of my comrades that that morning, a fairly large number of Poles had been shot at the Jewish cemetery in Schwetz, and that on Sunday morning more Poles were to be shot. The approaching shooting was the general subject of conversation among the soldiers quartered in Schwetz. As a result, on Sunday morning I and most of my comrades from my company went

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to the Jewish cemetery, where we waited in vain until nine o'clock. We decided that we had been the victims of a so-called latrine rumor, and we were about to return to our quarters when a large bus loaded with women and children drove into the cemetery. We went back to the cemetery. We saw a group of one woman and three children--the children about from 3 to 8 years old--led from the bus to an open grave about 2 meters wide and 8 meters long. The woman had to get into this grave and took her youngest child with her in her arms. The other two children were handed to her by two men of the execution detail. The woman had to lie down in the grave face down, her three children lined up on her left in the same way. Then 4 men of the detail also climbed down into the grave, held their guns with the mouth about 30 centimeters from the back of the neck, and in this fashion shot the woman and her three children. The supervising Sturmbannfuehrer then called on me to help fill in the grave. I obeyed this order and therefore was able to watch from very close as the next groups of women and children were shot in the same manner as I have described for the first group. Altogether about 9 or 10 groups, women and children, four at a time, were shot in the same mass grave. After the 3rd or 4th group had been shot 2 more comrades were called upon to help fill in the grave. About 200 Wehrmacht soldiers watched the shooting from a distance of about 30 meters.

A little later a second bus full of men arrived at the cemetery. There was one woman among them. These men were divided into groups of four. They had to climb down into the grave after the fresh corpses had been scantily covered with sand, lie down lengthwise, face down, and were then shot in

the back of the truck by the four men of the detail.

Altogether about twenty-eight women, about twenty-five men, and ten children from 3 to 8 years of age were shot on Sunday morning at the Jewish cemetery in Schwatz.

Read, approved, and signed,

signed Paul Klug

(Corporal)

Major (Oberstabsarzt) of the reserve

and company commander

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Page 218:

I read further an excerpt from the minutes of the testimony of one other witness of the same shooting, Sergeant Paul Rojinsky, at page 5, paragraph 5:

Approximately around 0930 hours a bus loaded with women and children arrived. I stood near the previously prepared mass grave and saw a woman go from the bus to the grave with a boy on her right hand and 1 or 2 girls on the left. Several seconds later I saw the woman standing in the mass grave and how a little boy was handed her into the grave by a SS man. - After this I have turned around and left, because and did not want and was incapable of witnessing the execution of these children. Immediately afterwards I heard the shots. When I stood in the street in front of the Jewish cemetery, I heard still further volleys. Soon afterwards a bus filled with Poles arrived. A SS man shouted to the soldiers who were standing around: Now you can all come in and watch. I then entered once more and saw a group of men enter the same mass grave, in which the women had previously been shot, how they were made to lie down there, and then were liquidated from the closest proximity by a shot into

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the neck. Tissue, brain and sand splashed out of the grave mounds in part soiled the clothes of the soldiers who were spectating. In the closest proximity of the grave mounds stood approximately 80 soldiers. This act of execution could also be witnessed by the civilian population from the windows of the houses opposite the Jewish cemetery.

(Signed) PAUL ROZI'SKI
Sergeant

(signed) DR MELLER
Chief Staff Surgeon

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And thus, by the method of learning on thousands of othercrimes, the German fascists perfected these torturous methods of exterminating people en masse, which they later applied to the temporarily occupied territories of the USSR. Thus, for purposes of facilitating and speeding up the process of burying the corpses, the criminals often used methods of shooting the victims which were particularly cruel from the viewpoint of the victim. Subsequently, and for the same reason of facilitating their tasks, the fascist murderers utilized a completely unified system of murder everywhere that mass murder was applied, even though the new method increased the sufferings, both physical and mental, of their victims. This begins to be particularly so at the beginning of 1943 and up to the end of the war, when it became imperative to consider the extent of the crimes, when they began to use on a constantly larger scale the method of burning the corpses immediately. For this purpose the Sonder-commando, the police units, and the administrative authorities of various crimes began to construct in places where shootings were to take place primitive furnaces to be used as crematoria, which were made of bricks or sometimes simply open fire was used.

Usually, both the shooting and the burning of the bodies took place at the same spot. The victims of the

shooting were lined up in front of the ditches where the other corpses were already, but afire, and immediately on being shot fell or were thrown into the fire. This method, however, was not the most cruel. It is established that on many occasions the assassins made the victims carry the wood for preparing these fires beforehand, laid the victims face down right on that wood, and only then shot them in the back of the head. The fact is also established that on many other occasions the victims were made to climb right into the crematoria on the corpses already there, and were shot there, thus saving the assassins the necessity of kicking or carrying them. I submit to the Court as USSR Exhibit No. 39 the report of the extraordinary state commission on the crimes of the German fascist invaders in the Estonian SSR, Page 220:

Quoting from the last paragraph of the second column on page 5:

> On 19 September 1944 the Germans began the "liquidation" of the Klooga camp. Camp Unterscharfuehrer Schwarze, the head of the main camp office, and Scharfuehrer Max Dalmann selected 300 people from among the prisoners and forced them to carry firewood to a clearing in the woods. Seven hundred other men were forced to build funeral pyres. When the funeral pyres were ready, the German hangmen began to shoot the prisoners down in groups. Those who had brought the firewood and who had built the funeral pyres were shot first, and then it was the turn of the others. The shootings were performed as follows: At the point of a pistol, Germans of the Security Service Police forced the prisoners to lie face down on the prepared funeral pyres and then shot them with submachine guns or revolvers. The bodies were burned on the funeral pyres. On 19 September 1944, 4,000 persons were murdered in the Klooga camp.

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In August 1944 near Tallinn forest cemetery the Germans shot civilians whom they had taken there in trucks in groups of 25 to 30. The bodies of these people were also burned on funeral pyres. The local population had been strictly forbidden to approach the place, under the pretext that experiments with new military equipment were being carried out. From 8 August 1944 to 10 September 1944 over 1,000 persons were shot and burned at the Tallinn forest cemetery.

The Germans chose a valley depression between the hills near Kalevi-Liiva, five kilometers from the village of Kaberneme in the Kuusalu area of the Haruma district as the site for the mass executions. In 1942 they announced to the local population that fortifications were being built in the area of these hills and strictly forbade the civilian population to approach this area.

In confirmation of the particularly cruel methods of the mass shootings, I submit to the Court again USSR Exhibit No. 38, entitled "report on the crimes of the German Fascist invaders in the city of Minsk."

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I shall read beginning with the last paragraph of the second column of page 3:

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USSR-38

The German Secret Police Camp at Maly Trostinets.

Next to the village Maly Trostinets, about 6 miles from Minsk, the German fascist invaders established a concentration camp which was under the command of the German Secret Police and in which civilians condemned to death were interned. At the Blagovshchina building site, about 1 mile from the camp they used to shoot the camp inmates and bury the bodies in ditches. To wipe out the traces of their crimes the Germans started in Fall 1943 to open the mass graves, to exhume the bodies and burn them.

A resident of the village Trostinets, a certain Golovach, saw how "the German hangmen killed men, women and children in the Blagovshchina woods; the bodies of the murdered were put into graves which had been shoveled out previously...They were rammed in by means of a caterpillar-tractor, a new layer of bodies was put above it and those again were rammed in. In Fall 1943 the Germans opened the graves in Blagovshchina and began to burn the exhumed bodies. They mobilised all wagons from the neighboring villages to bring wood as fuel for this purpose..." In Fall 1943 the invaders built a special crematory on the Shashkovka building-site, about ½ of a mile from Maly Trostinets concentration camp. Kovalenke and Kareta, who were working in the concentration camp, stated that the bodies of those who had been shot or beaten to death in the "murder-wagon" were burnt in this crematory. Three to five trucks loaded with bodies came to this place every day.

Bashko, a resident of the village Maly Trostinets, said: "I saw how the German bandits, lead by the commander of the Ghetto camp, the hangman Ridder, killed civilians every day in the Shashkovka woods and then burned the bodies in the crematory.

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My cattle were grazing close to the crematory and I often heard the screams and moaning of the people crying for mercy. I heard the submachine shots and then the wailing of the unfortunates stopped."

The investigation commission inspected a crematory and found rails inside on which rested perforated metal plates, and large quantities of small, charred human bones. A special highway leading to the crematory had been built. A barrel and a shovel, which showed traces of tar, were found when the crematories were opened. Various possessions, belonging to the executed were scattered around, such as shoes, clothes, women blouses, headwear, children's socks, buttons, combs, pocket-knives. Judging by the enormous quantities of used cartridge-cases and the splinters of hand-grenades the Germans had shot their victims when opening the crematory furnace or in the furnace itself. Tar was poured over the bodies and kindling wood was put among them, then incendiary bombs were thrown into the furnace to increase the temperature.

In connection with the rapid advance of the Red Army in the West, Hitler's hangmen invented a new method at the end of June 1944, to carry through the mass-executions of Soviet civilians. On June 30, and 30 they began to bring the concentration camp inmates and the bodies of the shot to the village Maly Trostinets. The bodies were piled into sheds in which the Germans also shot the Soviet citizens. Then the sheds were set on fire. Savinsky, who escaped death, reported to the investigation commission as follows:

"I lived in the territory occupied by the Germans in Minsk. On February 29, 1944 the German fascist invaders arrested me and my husband Yekov Savinsky because of our connections with the partisants. They threw us into the dungeon of Minsk. After

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long, terrible tortures, during which we did not admit our connections with the partisans, I and my husband were transferred to the SS concentration camp in Shirokaya street the middle of May and we were imprisoned there until June 30. On this day I and 50 other women were put on a truck and we started out for an unknown destination. The truck brought us to the village Maly Trostinets, 6 miles from Minsk, and stopped in front of a shed.

"Then we realized that we had been brought here to be shot... By order of the German hangmen the women prisoners got out of the truck four at a time. Soon it was my turn. With Anna Golubovich, Yulia Semashko and another woman whose name I do not know, I climed on the pile of bodies. Shots were fired. I was injured slightly on the head and fell. I lie until night among the dead. Then I left the shed and saw two injured men: the three of us decided to escape. The German guard saw us and began to shoot. I succeeded in hiding in the marsh. I remained there for 15 days, not knowing that the Red Army had taken Minsk already."

When the investigation commission inspected the remainders of the shed burned down by the Germans in Maly Trostinets, they found enormous quantities of ashes and bones, as well as partly preserved bodies. Next to it, on a pile of wood were 127 only partly burnt bodies of men, women and children. Some personal belongings were laying close to the place of the fire.

The legal-medical experts found bullet wounds in the heads and necks of the bodies. The German shot and burnt 65000 people on wood piles and in the shed.

On a number of occasions the Nazis considered it unwise to conduct the executions in the same places where the victims lived. This consideration was based on the cynical calculation, that after all lies were always one of the main weapons of German fascism.

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From the very beginning of the war the leaders of the German fascists ordered that the mass annihilation of persons, when practiced, be kept strictly secret, as it must not serve the purpose of arousing fear, but the objectives of the so-called "preventive destruction". The leaders among the war criminals took into consideration the fact that the application of the principle of mass annihilation, and of the mass shootings, might create in the population a feeling of hopelessness--a feeling of already being condemned to death. They were afraid that such feeling would decrease their capacity fro labor and would adversely affect those whom the Nazis meant to become slave labourers and from whom they expected to get a maximum economic gain.

I must read to your Honors of the record made by Kube to Rosenberg about putting into effect the so-called "Kotbus" operation (this was already submitted to the Tribunal as No. 1113-PS, 135, by the American Prosecution, and ended with the following words):

"The political effects of this operation on the civilian population are devastating, in view of the large number of murdered women and children."

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Both the political units and the traveling Sondercommander often put these mass executions into practice in a way which caused even the protests of such persons as Reichscommissar for Ostland (Lose), and the commissar general for Byelrussia, Kube.

I bring to the Tribunal's attention Exhibit No. 1104-PS, submitted by the American Prosecution, and describing the correspondence between Lose and Kube, on the subject of the mass execution of Jews in Stutzk conducted by the second police battalion. Even Kube was forced to point out to Lose that "It is impossible to maintain order and peace in Byelrussia by such methods. The fact that the wounded were buried alive, the fact that some of them subsequently managed to get out of their graves, is such an act of pigishness that it should be reported to the Fuehrer and to the Reichsmarshal."

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Already at the famous meeting of 16 July 1941 Hitler recommended to his closest aides, three of whom are now in this room, that is, Keitel, Goering and Rosenberg, that they should apply shrewdness and hypocrisy with regard to civilian populations inhabiting the eastern territories.

But simultaneously with that he stated:

"However, we will still use all other necessary methods, as well as shooting, deportations, and so on." (See Document L-221, par. 6).

To escape that to which Rosenberg referred as the feeling of despair on the part of the populace, the German fascists created several special centers for the secret extermination of their victims. In most cases they called them simply "camps." The name, naturally, in no way corresponds with reality, because the term "camp", even the term "camp of destruction", still means, as a rule, a place where the prisoners are confined for a certain period of time.

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These specially created centers for secret destruction were simply stopping points en route from life to death. The victims were detained there usually for a few hours; only rarely for a few days, and never any longer. After that they were shot.

These special centers for mass shootings were introduced by the Germans in a whole series of the occupied regions of the Soviet Union beginning with 1941.

They differed from the camps of destruction in two ways:
First, there were no special constructions there for murdering people, such as crematoria, gas chambers, the so-called "killers", and so on. Secondly, they lacked the usual objective of all fascist camps, including the camps of destruction, to precede death by periods of exhaustion through forced labor, for purposes, in the language of Hitler's subordinates, of pursuing economic objectives.

To the secret centers people were brought from many regions and territories of the Soviet Union, and even from other parts of Europe, including Germany and Austria. They were brought there for the exclusive reason of taking their turn in the long procession of those

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that were to be put to death.

I submit to the Tribunal evidence for the existence of two such centers, one of these on the territory of the Lithuanian Republic. There was created in Lithuania by the Germans a special camp in a place called Panarai, 8 kilometers from Vilnus, which was the prototype of the future Treblinka and differed from the latter only in the number there assassinated, and by the absence of the special techniques used in Treblinka. It was called Fort No. 0 of the Fort of Death.

I shall read from the report of the extraordinary state commission on the crimes of the Hitlerite invaders in the Lithuanian Soviet Socialist Republic, already submitted to Court as USSR Exhibit No. 7. I begin with the last paragraph of the second column on page 3:

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Mass Murders of Soviet Citizens in the Locality of Paneriay

p.227 Immediately upon the seizure of the capital of the Lithuanian SSR, Vilnus, the German invaders began mass extermination of its population. In the locality of Paneriay, eight kilometers from Vilnus, special camps were set up. Mass murders in this camp began in July 1921 and continued until July 1944.

"Beginning with July 1941", witness Stanslaw Stepanovich, domiciled at the Station Paneriay, testified: "Groups of several hundred people were daily driven into this camp and shot. When people were brought in cars, I could hear from a distance their loud cries. The shootings were taking place almost daily from morning until night, and continued up to the liberation of the City of Vilnus by the Red Armies."

From the end of 1943 the Hitlerite henchmen were particularly anxious to conceal all traces of their bloody crimes. For this purpose they organize in the locality of Paneriay, the burning of the corpses of those who were shot.

The Witness Saydel, Matvey Fadorovich, testified as follows:

"In December 1943 we were forced to exhume and burn corpses. At first, wood was put on the ground, then the corpses were put 100 in a row. Some inflammable fluid was poured over them, and then another layer of corpses was placed above. In this way we placed on the bonfire approximately 3,000 corpses, poured crude oil over them, placed incendiary bombs on four sides, and set it on fire."

The burning of corpses continued from the end of 1943 up to June 1944. In this period more than 100,000 corpses were dug out from pits of a total volume of 21,179 cubic meters, and burnt on bonfires.

During the last days before they retreated, the Hitlerites did not have time to burn the bodies of those whom they had shot, so they threw them into the pits and covered them slightly, on the top, with sand. By the documents which were found on the clothes of the dead, and by testimonial evidence, it has been established that among the perished

p.228 were men of science, workmen, engineers, students, Catholic and Greek Orthodox Priests, residents not only of Vilnus, but also of other cities, localities and villages of the Lithuanian SSR.

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The Medico-Legal Expert Commission -- consisting of the Chief Medico-Legal Expert at the front, Lieutenant-Colonel of Medical Service, Nikolsky, B.P., the Chief Anatomical Pathologist at the front, Doctor of Medical Sciences, Lieutenant-Colonel of Medical Service, Molotkov, B.G., the Professor of Pathological Anatomy, Harbourg, S.B., Municipal Medic-Legal Expert of the City of Vilnus, Boutkevich, I.Y., and others -- has established the following:

"In the majority of cases the corpses which have been examined are those of the civilian population. A small number of corpses were found dressed in military uniforms. On some of the corpses were found items of religious worship of the Catholic and Greek Orthodox Churches. Through the objects and documents found, it has been established that among those who were shot were physicians, engineers, students, chauffeurs, mechanics, railroad workers, dressmakers, watchmakers, shop owners, and others. In the majority of cases death was caused by head injuries from single shots from firearms, with the destruction of the grey matter. In some cases double and multiple entry openings were found. The typical size of the entry openings made by bullets was 0.8 centimeters, corresponding to the bullets of the German pattern. From the character of the entry opening the conclusion could be drawn that the shots were fired point blank. The conditions of the examined bodies and the documents found on the clothes proved that the shootings were taking place from the autumn of 1941 to July 1944.

"The Medico-Legal Expert Commission has established that the German Fascist henchmen have shot and burned, in Panariay, not less than 100,000 people."

The "Fort of Death" In Kaunace

Fort No. 9 was called, by the residents of Kaunace, the "Fort of Death" This fort is located six kilometers northwest of the city and represents an old concrete fortification. Inside of it there are numerous vaults which have been used by the Germans as cells for the prisoners. From all sides this fort was surrounded by a concrete wall and barbed wire. Alread in the first days after their arrival in Kaunace, the Hitlerites had driven into Fort No. 9 approximately 1,000 Soviet war prisoners and forced them to dig ditches in a field of an area of some five odd hectares at the

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western wall of the fort.

During July-August 1941, 14 ditches were dug, each 3 meters wide, over 200 meters long, and over 2 meters deep. All who happened to get into Fort No. 9 did not remain alive. In columns of several thousand people the Hitlerites were driving here women, children, and adolescents, men and old people, with the purpose of shooting them and burning their bodies.

Witness Mihalovsky Stanislaw Nikodimovich, resident of the Village of Coumpay, told the Commission:

"I saw myself how the Germans, in the autumn of 1941, were driving, in a single column, the Soviet citizens to Fort No. 9. Once I observed a column of people stretching from the Fort to the City of Kaunace. Furthermore, the Germans were bringing people in closed cars.

"Soviet citizens driven to execution and torture were stripped naked by the Germans in the garden of the Fort, and then, in parties of 300 people, were driven into the ditches, and there shot by machine guns and rifles. The number of doomed people was so large that they had to stand naked for several hours in the cold awaiting death."

Witness Schestno, B.A., resident of the Village of Gegraytz, has testified to the Commission:

"When the ditches were ready, the Germans started to drive into Fort. No. 9 a large number of peaceful Soviet citizens from Kaunace and other districts, and shot them there."

p.230 In two days alone, in November 1941, 7,000 peaceful Soviet citizens were shot at Fort No. 9, and in two days, in December 1941, approximately 22,000 people.

In Fort No. 9 people of different nationalities have been shot; Russians, Ukrainians, Byelo-Russians, Lithuanians, Poles and Jews were shot there.

The following people were shot in this Fort: A representative of the Supreme Soviet Council of SSR, Bouginskiene, Representative of the Supreme Soviet Council of the Lithuanian SSR, Sibertas, Stcherbakov, Stahanovetz-worker from Kaunace, together with his wife and newly born infant, and many others.

Besides Soviet citizens the Hitlerites annihilated in Fort No. 9, citizens of France, Austria, and Czechoslovakia.

A former supervisor in Fort. No. 9, Nauggunas, Y.Y., testified:

"The first group of foreigners, numbering 4,000, arrived at the Fort in December 1941. I talked to one of the women who said that they were being transported to Russia, allegedly for work. On December 10, 1941, the extermination of foreigners had begun. They were ordered to leave the Fort in groups of 100 people, allegedly for innoculation. Those who went for innoculation did not return. All 4,000 foreigners were shot. On December 15, 1941, another group arrived, numbering approximately 3,000 people, which also was exterminated."

By October1943 all ditches to the west of Fort No. 9 were filled up with the corpses of those who were shot. Each of these ditches contained from 3,000 to 4,000 corpses. Altgoether, up to October 1943, the Hitlerites exterminated here over 50,000 people, of which over 40,000 were Soviet citizens and approximately 10,000 foreigners.

In order to conceal the traces of their crimes, the Hitlerites began, in October 1943, to burn the bodies of the people they had murdered on special bonfires.

A former prisoner of the Fort, Geltgounk Mihail Ilych, whom the Germans forced, together with others, to exhume and to burn the corpses for a period of six weeks, has told the Commission the following:

"In a day we exhumed and burned about 600 corpses. This was the standard established by the Germans. Every day two large bonfires were operated, each one of them holding 300 corpses. After the burning of the corpses the bones were crushed by some metal tool, and were then put right inthe ground. In a six-week-period we opened three and half ditches, from which we exhumed and burned 12,000 corpses. Nine and a half ditches
p.231 and many small pits were still left unopened, and they contained not less than 40,000 corpses."

The Hitlerites also brought to Fort No. 9, for burning, corpses from other localities. On the same bonfires the Germans also burned people alive. So, according to the testimony of witness Geltrounk, on December 16, 1943, in Fort. No. 9, the family of lecturer Shapiro, consisting of five people, was burned alive.

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Witness Korolkov, N.F., a resident of the Village of Gegraytz, told the following:

"I saw how, during the day, closed cars were driven to the bonfire, and from them people were thrown into the fire. Often shrieks and shouts were heard."

After all the corpses were burned, the Hitlerites filled up the ditches, ploughed and sowed the field.

From April 1943 the extermination of Soviet citizens was carried out already in the courtyard of the Fort. There was a ditch at the western wall, where a bonfire was also continuously maintained. In this ditch were found pieces of wood, eight bottles of inflammable fluid, and traces of a large bonfire.

The Commission on the investigation of the crimes perpetrated by the fascist scoundrels in the town of Kaunace--consisting of a representative of the Supreme Soviet of the Lithuanian SSR, Grigolavichious, I., the President of the Executive Soviet Committee of Kaunace, President of the Kaunace Executive Committee of the Workers, Routkaouskas, Professor Vagilis, Physicians Tiknious, Gouraouskas, Lashiens, Gourevicrious, Vouyvidayte-Koutorgene, Writer Falicia Bortkevicriene, Painter Mihas Prantzkounas, Student Ajoukaytis, Major Franchouk, and Major Rouniancev--has established:

"The Hitlerites have exterminated, in Fort No. 9, over 70,000 peaceful
p.232 inhabitants. In a number of cases the German fascists used atrocious and perfidious means for the mass extermination of peaceful inhabitants of the Soviet Union. The clandestine poisoning of peaceful people was one of such fascist methods."

Here is an example. I quote the report of the Extraordinary State Commission for the Stavropol Region, which I have already submitted to the Tribunal as No. USSR-1.

"The criminal activity of the German occupants in Stavropol, Georgievsk, Kislovodsk, Essentuky, Mineral Waters, Jeleznovodsk, and in Tiberda, is established by the investigations of the appropriate commissions, the testimony of the victims, the depositions of witnesses, the report of the medical experts, by documentary evidence, and also

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by the testimony of a member of the Extraordinary State Commission, Academician Alexis Tolstoi, who visited the area personally, both the cities mentioned and the country districts of the Stavropol District, and who personally testified to the facts of the crimes committed and to the mass extermination of the peaceful civilian population.

"It is established that prior to deserting the city of Georgievsk during the retreat of 9 and 10 of January of this year, obeying the command of the Chief Physician of the German hospitals in the city, Baron Dr. Von Heiman, the German soldiers were selling at the city market methyl alcohol and oxalic acid pretending the first to be drinking alcohol and the second was soda water. This was done with an intentional purpose of poisoning the people. Of 714 persons, 214 were poisoned and 50 became completely blind.

"Many were also poisoned by oxalic acid, sold as soda which the local residents used in baking bread."

Among the atrocities perpetrated by the German fascists in the territory of the USSR, a special place should be assigned to the terror which they exercised against the peaceful population of the City of Leningrad during the blockade.

p.233 I touched upon this question before, speaking of the atrocities of the German fascist criminals committed against the children of Leningrad, but the data which I submitted cover only a part of the crimes committed by the Germans, who were besieging Leningrad. The sufferings of the peaceful inhabitants of the great City of Leningrad from the fascist terror were really unprecedented. The Tribunal will receive further evidence showing that the major war criminals doomed the city -- those name is indissolubly tied up with the greatest events in the history of mankind and with the progressive movement of the world's culture -- to annihilation.

This subject is outside the limits of my presentation and the proper evidence will be submitted by my colleagues.

The Germans did not enter Leningrad, but they were murdering hundreds of thousands of peaceful citizens of this city. They murdered them premeditatively, senselessly, and painfully. This was the same regime of fascist terror against peaceful citizens, examples of which I have already presented to you.

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I request the permission of the Court to quote some abstracts from the "Summary Report of the Leningrad Municipal Commission on the Investigation of German Fascist Crimes."

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This document was presented by me to the Tribunal under No. USSR-85. I begin the quotation on page 2 of the report, the fourth paragraph from the top:

"During the 900-day siege of Leningrad when the Germans were in possession of its suburbs, the atrocities they perpetrated on the civilians were countless.

"The Germans dropped on Leningrad 107,000 demolition and incendiary bombs and 150,000 heavy artillery shells. Every Leningrad resident, all through the ninety days of the siege, was in the same danger as on the field of battle. Bombings and artillery fire killed a total of 16,747 and wounded 33,782 persons. This is confirmed by numerous documents, witnesses' depositions etc." p.234. I interrupt this quotation and pass over to page 12, the last paragraph:

"Among those killed by enemy fire were both children and adults, the sick and the aged. Among them were many celebrities of Soviet life: physiologist Academician A.A. Ukhtomsky, Architect Academician I.A. Ilyin, Doctor of Technical Sciences L.P. Shishko, Professor S.S. Kasarnovskaia, micro-biologist A.A. Vladimirov, pathologist M.G. Mendelstamm, artist V.A. Vorin-Gorianov, artist A.F. Gribunina, and others."

Article 27 of the Fourth Hague Convention states as follows:

"During sieges and bombardments all possible measures should be taken to spare churches, scientific institutions, works of art, buildings used for charitable purposes, historical monuments, hospitals, and other places where the sick and the wounded are congregated.

"Breaking all norms of international law and of the Hague Conventio the Hitlerites aimed at private homes, schools, hospitals, and other cultural and peaceful establishments, During an enemy bombardment, in the Suvorov Prospect No.50 hospital alone, 442 persons were killed and wounded, including 160 members of the hospital staff."

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I again interrupt the quotation and continue on page 13, paragraph 5:

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"In the battle journal of the 768th German Heavy Artillery Reserve Battalion there is the following entry:

'December 5, 1941. The battalion was bombarding the 25th today. There was quite a gathering of people on the Krestovsky Island and in the northern part of the city. Evidently these were the evacuees....'

'Jan.17, 1942. Today passed peacefully. At 10.45 the battalion bombarded the residential areas of Leningrad. 38 shells were fired.'

"Willi Becker, corporal of the 1st Battery Unit of the 708th Artillery Battalion, captured 27 January, 1944, testified:

'...The Battalion's job was to bombard Leningrad.... when we arrived in the 708th Battalion, Senior Lt. Graunitz said: "Your job is to destroy Leningrad..." Naturally we knew that Leningrad was full of civilians. To kill these civilians is what we aimed to do....'

"Fritz Koepke, corporal in charge of the 2nd gun of the second battery in the 2nd battalion of the 910th Artillery Regiment stated:

'For bombarding Leningrad there were special munitions which we received above the quota in limitless quantities....Everyone knew that in the bombardment of Leningrad the objective was to destroy both the city and the population. For that reason everyone spoke ironically of the official communiques of the High Command which kept talking of the "Military objectives." Bombarding the city, both the soldiers and the officers used to cry out jokingly: "Come now, one more house!" or "A greeting to the Bolsheviks!" or "Come, let us do away with a whole block!" "Another bunch of corpses!" "Give them another one!" etc.'"

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The Hitlerite murderers were bombarding the city in the hours of the greatest congestion of street traffic, in order to murder as many peaceful Soviet citizens as possible.

Lovnen Rudolf, prisoner from Battery No.9, of the 240th Artillery Regiment of the 170th Infantry Division, has testified at the interrogation:

"Batteries of the 240th Artillery Regiment, kept Leningrad under fire in the morning between and 9 o'clock, approximately, in the day time between 11 and 12, and most intensively in the evening from 17 to 18 hours, and then from 20 to 22 hours, by single artillery shots. The main purpose was the bombardment of dwellings and the extermination of Leningrad residents. Therefore, we kept firing at a time when the largest crowds of citizens were in the streets." p.236.

Great are the losses in Leningrad from air attacks and artillery bombardment by the Hitlerite beasts. But Leningrad suffered even greater losses from hunger and other hardships caused by the blockade.

The blockade deprived the city inhabitants of the supply of food and fuel. Bath houses and laundries ceased to operate. The water of the water supply system was frozen. There was no light, no heat; street cars were standing still. Workers received 250 grams of bread per diem, which contained 30 percent admixtures; office employees and dependent people received 125 grams. Other products were not allotted. To the pangs of hunger, pains from cold were added. Scurvy and other diseases were widespread. Page 236.

As the result of the hunger blockade of Leningrad, 632,253 people have perished.

With the opening of the Ladoga, track communications with the rest of the country were re-established. Thus supply of products and munitions to the besieged Leningrad was organized, but the Fascist monsters continued to bomb systematically the lifeline and to keep it under fire.

The population of the Leningrad suburbs suffered heavily from the German Fascist invaders. Twenty-nine months of the occupation by the German Fascists of the City of Poushkin (Tzarskoye Selo) were a continuous

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outra e against the human dignity o Soviet people. This was the time of complete lawlessness and violence, devastation and hunger. The Germans shot and hung entirely innocent people. At the most lively points of traffic (corner of Oktyabrsky, and the Soviet Blvd., the Moscow Street and the Street of First of May), Gallows Square, on them the bodies of Soviet citizens were hanging for several days with inscriptions on their chests "For sabota e, for partisanship etc."

The Hitlerites exterminated Soviet citizens systematically without any reason, only because they were Russians. Engineer Kapoustin, Store-house keeper Ivanov, Teacher Korolev, and others were hanged. The director of the All Union Plant Institute, Vatgan, while walking on the street with his wife, did not stop when a German officer shouted at him. For this he was shot. The citizen, Bokova, w the witness of a bloody outrage against a twelve-year old boy. The Hitlerit s hung him by his hair with a cord, and standing nearby with a watch in their hands were observing how long his torments would last. In September, 1941, the Germans killed fifty children. In October, in the Bablovsky Park, four hundred citizens were shot. In February, 1942, two hundred city residences were burned.

A number of city districts were declared "Forbidden Zones" by the Hitlerites and they shot everyone who appeared there.

The mothers, trying to save their children from death by hunger, had to make their way through the forbidden zone into the nearby towns and villages in order to get food supplies. They were caught and shot.

The witness Tarakanova (she was working in the passport department) has registered 123 cases when peaceful citizens were shot walking through the forbidden zone. Altogether 18,2 8 people were tortured to death and perished from artillery fire and bom ing from the air, and 17,968 persons were deported to Germany.

In the Petro Palace 4,264 persons have perished and 30,783 were deported to Germany. Hiding themselves in shelters, the inhabitants had from time to time to leave them in search of produce, to get water etc. The Germans watched

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for these people and shot them. For instance, two hundred people were hiding themselves in the cellars of the polishing factory. The Germans were keeping this place under continuous fire. People perished from wounds, hunger and thirst. They then decided to move to another less dangerous place, but the Germans started to shoot at the unarmed crowd with automatic rifles, machine-guns, and mine throwers. The majority was killed. Over two hundred people were hiding themselves in the cellars of house No.13 on Leningrad Street. This house the Germans set afire and closed the exit from the cellar. Citizens who were hiding there were asphyxiated with smoke. Approximately five hundred aged persons, children and sick people perished from artillery fire in the Troitzky Church.

"In May 1942, in the Petrodvortzov Hospital, evacuated by the Germans to the Molodar hamlet, 800 patients received an intravenal injection of poison following which the hospital was set afire. The witness of this crime was nurse Ekaterina Orlova who managed to escape. Terrible atrocities were also commited by the Germans in the Kaschenko Hospital where 1,250 patients were similarly administered poison. The bodies were later buried in the anti-tank trench in the village of Ruchyi."

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Murder Vans
("Sondermaschinen" or Gas Vans)

The fact alone of employing such machines for mass murder of people constitutes the meanest charge against the leaders of German Fascism.

The special equipment for the mass annihilation of people in the hermetically closed machines, such as exhaust pipes of motors, which are connected to the bodies of the machines by means of special mobile tubes, was used by the German Fascists for the first time in the USSR in 1942.

Our American colleagues accomplished a great task of collecting and analyzing pertinent documents and eye witnesses testimonies in order to prove the existence of these "machines of Death".

In their official documents, the German Fascists called these machines of death "sondermachinen". They were put at the disposal of the "sonderkommandos" by the German police in accordance with the directive of the government for performing mass executions or "actions". All over the Soviet Union, these special machines received the more exact and appropriate name of "murder vans".

Even before the conference of the International Military Tribunal during which the American Prosecution submitted material proving the existence of these murder vans, neither the representatives of the Soviet Prosecution nor any of the citizens of the Soviet Union had any doubt in the actual existence of these machines.

The path of these murder vans along the temporarily occupied territories of the Soviet Union can be traced on the map of the country by means of hundreds of mass graves filled with the corpses of murdered people. Corpses of people murdered by the German Fascists by means of these murder vans were exhumed and thoroughly investigations determined the absence of traces of violence or in some cases the presence of injuries from corporal punishment which could not endanger life. At the same time they determined the real causes of death-poisoning by carbon monoxide or death by strangulation, but even in these latter cases, without any exterior traces of violence, such as strangulation marks, bruises, or ecchymosis around the neck, etc.

Thus were proved in full, by means of objective judicial medical and

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other expert data, numerous statements of witnesses regarding the use by the German Fascist criminals of these murder vans.

For the first time we come across the use of these murder van by the German Fascist aggressors in the town of Kerch. Pertinent document has already been submitted by me to the Tribunal under number USSR 63 (6). It refers to the spring of 1942.

I wish to remind the Tribunal of a quotation, incorporated in the indictment from the testimony of the witness Darya Demchenko, who saw how the German military employees in Kirch threw corpses of the murdered people from two murder vans into an anti-tank ditch, (page 8, third paragraph from the top):

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However, the mass murder of people by means of these murder vans was definitely determined for the first time in the report of the Extraordinary State Commission, entitled "The Crimes of the German Fascist Occupants in Stavropol Region". This document was previously submitted by me to the Tribunal under number USSR-1.

Investigation of the crimes committed by German Fascists in the Stavropol region was conducted under the leadership of the now deceased, prominent Russian writer, member of the Extraordinary State Commission, academician A.N. Tolstoi. A very thorough investigation was undertaken with the assistance of the most prominent specialists in judicial medicine, because human imagination having definite logical crime limits can with difficulty accept the existence of these machines.

However, as a result of the investigation, testimonies of witnesses regarding the murder vans and mass murders of peaceful citizens by the German Fascists by means of these murder vans were fully proved.

The report of the Extraordinary State Commission on the Stavropol region contains the first detailed description of the machanism of these murder vans. I am quoting the above mentioned document on page 1, beginning with paragraph 4:

"Mass extermination by the Germans of the peaceful citizens of the USSR by means of poison by carbon monoxide in specially constructed machines or "murder vans" was definitely determined. The prisoner of war, A.A. Fenichel, testified:

While working as a mechanic, I had the opportunity to get acquainted in detail with the mechanism of these machines, which were specially

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equipped for strangulation and extermination of people by means of gases. There were several such machines in the town of Stavropol at the disposal of the Gestapo.

"Their construction was as follows: The body was approximately five meters long and two and a half meters wide; the height of the body was approximately two and a half meters. The body had the shape of a wagon without windows. Inside, it was lined with galvanized iron. On the floor, which was also lined with galvanized iron, there were wooden grills. The door of the body was lined with rubber and could be hermetically closed by means of an automatic lock. On the floor of these machines, under the grill, there were placed two metal pipes approximately one and a half inches in diameter and two and a half meters long. These pipes were interconnected by a means of a cross pipe of a similar diameter. Thus forming the letter "H". These pipes had frequent openings of one and a half centimeters in diameter. From the cross pipe led a rubber tube through an opening in the iron lined floor. At the end of the tube was a sextagonal spike with threading which corresponded to the threadin at the end of the motor exhaust pipe. This tube could be screwed to the exhaust pipe. During the use of the motor, all the gas which was thus obtained penetrated into the body of this hermetically closed machine. As a result of the accumulation of these gases, a man who was placed inside the body died within a short time. The body of the machine could contain approximately 70-80 people. The motor of this machine usually bore the trademark "Sauer". The body was manufactured in Berlin, and had on its left side near the door a metal plate with the following inscription: "Factory for the Construction of Auto Bodies, G.M.C.H., Berlin."

"For the murder of Soviet citizens, the Gestapo used a special brigade numbering 25 people. At the head of this brigade was a German, First Lieutenant Katzendorf, and his assistant, First Lieutenant Lenzzel. Later this command was headed by an officer of the SD, First Lieutenant Kleiber, and his assistant, officer of the Gestapo Knor. The official in charge of the Gestapo prison was a German officer Ober-Scharfuehrer Wilhelm Schmidt, and his assistant and interpreter Nicholas Angel of Hungarian nationality."

The murder vans were used by the German Fascists for the mass murder

of children and the infion who were being treated in special hospitals.

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I wish to remind the Tribunal of the previously cited quotation from the report of the Extraordinary State Commission, when, to prove the crimes of the Nazis against the Soviet children, I spoke about the murder in the murder vans of 54 children who were suffering from bone tuberculosis and who were under treatment in a sanitorium of the Spa Teberd at the time. I am proceeding to quote the report of the Extraordinary State Commission on page 2, beginning with paragraph four.

"In the Stavropol region by means of these machines, the Germans murdered thousands of guiltless Soviet citizens..."

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I am skipping two paragraphs and am continuing the quotation:

"It has been determined that from the fifth to the tenth of August, 1942, German soldiers from the SS Kommendamtur headed by First Sergeant Goering and Sergeant Schmitz removed from the Stavropol Psychiatric Hospital and exterminated by means of carbon monoxide in murder vans 660 sick people.

"In order to hide the traces of the bloody crimes from the population of the town, the fascist beasts told the chief doctor of the hospital, Dr. D.S. Gambarov, and the medical personnel that they were taking all the sick people from the town of Stavropol to the village hospitals in Donskoye and Proletarskoye, where all the necessary preparation had been made for their reception, such as special equipment and qualified German medical personnel. In reality, all the sick people were simply murdered."

Later the facts of the use by the German of the murder vans were investigated in detail during the process of the juridical investigation of the crimes of the German Fascist aggressors and their satellites on the territory of the

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In addition, these murder vans were used also for the extermination of sick children. I am requesting the Tribunal to permit me to refer to the testimony of some of the witnesses of the fact of the use by the Germans of murder vans in Krasnodar.

I am submitting to the Tribunal the testimony of the witness Kotov, who managed to escape after he was put by by the murderers into the murder van. I am quoting from page 6 of the document:

"On August 22 I came for information to the third city hospital, where I had previously been under treatment. When I entered the court, the first thing that struck my eyes was a large auto-machine with a dark grey body. I didn't have time to make two paces when some German officer grabbed me by the collar and pushed me into this van. The van was already full of people. Some of them were completely undressed, and others were nothing but their underclothes. Then the door was banged shut. I felt that this machine started moving. In a few minutes I felt ill and began losing consciousness. Previously I studied at Antiair Chemical Defense Courses and I immediately realized what was the matter--we were being poisoned by means of some gas. I tore my shirt wetted it with my urine and put it to my nose and mouth. It became easier to breathe. However, I lost consciousness. I came to in a ditch amongst scores of corpses. Somehow I managed to climb out and with great difficulty reached my home."

In the testimony of the witness Gahil' are found the details of the bestial violence used in pushing women and children into these murder vans. I am quoting this document on page 4:

"Into this "autobus" the Gestapo members were forcibly pushing a woman, aged approximately 30 years. The woman balked at entering the machine and fought,

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trying to get to a little girl, four or five years old, who was standing behind and who was screaming, 'Mother! Mother! I'm coming with you! Not being able to overcome the resistance of the woman, the Gestapo member grabbed hold of the little girl and smeared her lips and nose with something black and semi-liquid. The child immediately fell in a coma and was thrown by the Gestapo member into the van. Having seen what happened, the mother started to scream hysterically and threw herself on the Gestapo man. After a few seconds of fighting the Gestapo member succeeded in pulling the exhausted woman into the machine."

I am quoting the testimony of the witness Kozelski, Doctor of the Krasnodar town hospital, on page 89 of the document:

"With great attention, those present listen to the testimony of the witness Kozelski, doctor of the Krasnodar town hospital:

"During the first days of the occupation," tells Dr. Kozelski," at our hospital arrived a so-called German doctor Horz, who was simply a Gestapo executioner. He asked how many sick people we had and who they were. A few days later there arrived a group of German officers accompanied by the same Horz. On the 22nd of August, through the corridors of the hospital, again sounded the tramping of the boots of German soldiers. In accordance with the order Horz, all the doctors of our hospital were gathered in the study of the chief doctor. Horz removed a revolver from his belt and placed it on the table and then in broken Russian asked ,"Have you any communists or Jews here?" Upon learning that there were no communists or Jews among the doctors, Horz continued: I am a German officer. I have been ordered to remove all the sick people from this hospital. The German High Command ordered that there should be no sick people alive during war. They have to be exterminated. How they will be exterminated

does not concern you. A complete silence reigned amongst the audience. The faces of all were death pale, like chalk. Somebody asked, And what about the convalescents ? They will soon be well. These people are almost normal in their health. As to words those, I shall tell you later answered Iorz in a rough voice, but now I have to proceed with my task.

"I emerged into the court and saw that while Iorz was talking to us, the loading into the vans had already started. At first the sick people did not realize what was the matter. They were told that they were being transferred to another hospital, but later they guessed. Their screams and cries literally tore one's soul apart. The murder van was completely filled. Upon delivering the victims, it came back for a new batch. In a few trips, the Germans murdered over 300 sick people.

"I must add that having exterminated the sick people, the Germans left in the hospital a small group of about 20 people. This group used as a trap in order to attract and annihilate new victims. The murder van returned twice more and collected those who were caught in this trap.

"The same occurred, as I later learned, in the Childrens' Hospital called "The Third River Fochaty". Witnesses told me that when the children were loaded and the machine started, there were heard from the body of the machine stifled cries and screams of the children. From among the workers at the childrens' hospitals were people who personally later identified their little patients bestially murdered by the German torturers. When one of the ditches was excavated, there were found 42 corpses with labels of the childrens' hospital on their underclothes."

I am quoting the testimony of the witness Inozemtzev, who was a worker at the childrens' hospital,

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page 32 of the document:

"An appalling picture of the extermination by the German occupants of children is painted in the testimony of the witness Inozemtsev, worker at the childrens' hospital.

"On 13 September, he states, 'into the childrens' hospital came a group of German officers, Erich Meier, Jacob Eiko, and others. They remained with us several days. They visited all the wards, and they spied on the children and the medical personnel. On 23 September, arriving on duty, I saw in the hospital court a large dark grey machine. Its exterior reminded me of a freight car. A tall German roughly asked me how many people lived in the vicinity of the hospital and who they were by nationality. This turned out to be Dr. Herz, one of the cruelest of the Gestapo executioners. The Germans who were present, following his orders, began to load the children into the machine. It was not allowed to dress the children. Although we were told that they were being transported to Stavropols, and this is a long trip, the children wore only underpants and sweat shirts. Having terminated the loading, the executioners banged the door shut, and the machine started. It was followed by a limousine with German officers. In 20 to 25 minutes they came back and started a debauch. I shall never forget how the little children--and there were one-year olds in their midst--cried and screamed, instinctively feeling that something terrible was about to be perpetrated on them. "Goodby, Comrade Stalin! Goodby nurses! I shall never get back to the hospital!" screamed one of our little patients."

"As long as I live, I shall never forget this terrible day."

The statement of the witness is fully verified by the witness Popovich:

"Forty-two children from childrens' hospital (third River Kochety were bestially murdered by the German

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torturers in their diabolical murder vans."

I am further quoting the testimony of the witness Ivko, on page 33 of the document:

"Witness Ivko, who lived in the vicinity of Krasnodar, became an involuntary witness of what happened after the murder van left the gates of the childrens' hospital:

"One day some German arrived, states Ivko, 'and ordered the population to dig a large ditch. They said this was to be used as an emplacement for a cannon. We were afraid not to follow their instructions and dug the ditch. In a few days a large gray machine stopped near our cooperative shop. From the cabin there emerged a German who ran into the administration building of the Kolkhoz. In the meantime, I approached the machine and heard some stifled moans. I listened. They were really moans. Having heard footsteps, I immediately rushed away from the machine. Then I saw that the German was emerging from the administration building and was abusing our accountant, calling him names, such as "Russian swine", and telling him to get shovels by any means he wished. When finally a shovel was found, the machine departed. It went directly to the ditch which we had dug a few days before.

"In about fifteen minutes there also arrived a limousine with German officers. We immediately understood what was the matter and began to cry. Apparently, we thought, the devils brought some partisans and Jews to be killed. In a little while, a little girl came running. I looked and saw that she was deathly pale. It transpired that she was at the ditch and removed some of the freshly thrown earth. With the sand, she picked up a dark blue child's sweat shirt. Later we discovered that the Germans buried here the children from the hospital, "Third River Kochety", who were stifled by gas in the murder van."

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town of Krasnodar in the Krasnodar region.

I am submitting to the Tribunal under No. USSR-42 the report of the Extraordinary State Commission on "The Crimes of the German Fascist Aggressors in the Towns of Krasnodar in the Krasnodar Region", which served as basis for further investigation of the crimes perpetrated by the Germans with the help of these murder vans. I am quoting the report beginning with paragraph 2 on page 1.

Translation of excerpt H20

Under the order of the Special State Commission the local Soviet authorities have investigated several received data on atrocities of the German fascist invaders and determined that in the suburb of Krassnodar in the vicinity of the factory for measurement tools (Nussgeracte) in a large anti-tank ditch several thousand corpses of Soviet citizens, who had been poisoned with gas and thrown in by Gestapo people, had been buried. Many of the corpses of Soviet citizens found in this ditch were identified by the relatives - the inhabitants of the city - as being those who had been arrested by the Gestapo or as having been in the hospital for recuperation at that time.

After the inspection and the dissection of a considerable number of corpses of Soviet citizens, who had been found in several places in the anti-tank ditch, the Medical Specialist Commission consisting of the doctors Tschernaja, Bavaschen, Kuschkow, Kossobjajn and Chabachpaschen, determined that these citizens had been poisoned with carbon monoxide by the German fascist hangmen.

The Special State Commission has remitted all the data it received concerning the monstrous beastiality of the fascist German invaders in the city and region Kvassnodar to the public prosecutor of the USSR for investigation and the delivery of the guilty.

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I am submitting an official report on the material evidence of the process under No. USSR-55.

In this affair were brought to trial not the military officials of the German Fascist Army or the SS members but their henchmen from among the criminal elements who were recruited by the Germans for the

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Sonderkommandos charged along with other Sonderkommandos, organized everywhere, by the Germans, with the extermination of the doomed.

The crimes committed by means of these murder vans were proved by the judicial investigation and were incorporated in the indictment of the Military Tribunal of the North Caucasian Front.

I am quoting the indictment on page 43 of the document submitted, beginning with paragraph 2.

"The legal investigation also established facts of systematic torture and burning at the hand of the Hitlerite fiends of many arrested Soviet citizens found in the Gestapo cellars; as well as the extermination by carbon dioxide fumes in specially constructed trucks, "murder vans", of around 7,000 innocent Soviet citizens among whom were more than 700 invalids from the sanatories of Krassnodar and Krassnodar district. Forty-two of these were children from five to sixteen years."

In Krasnodar the murder vans were used for exterminating the arrested who were removed from the Gestapo building in these machines, and for the extermination of peaceful citizens.

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(Continuation of extract from 247)

Quoting further from the conclusions of the legal-medical experts, Page 37:

(Extract 1)

Having been advised by the Extraordinary State Commission, the Soviet authorities in Kharkov and the vicinity of Kharkov undertook an examination about the reports, received about the atrocities committed by the German-Fascist aggressors and established that ten thousand bodies of Soviet citizens were buried in various places in Kharkov and in the vicinity of Kharkov; these people had been poisened by carbon-monoxide in murder wagons or had been shot, and were then thrown into pits by the GESTAPO.

The medical experts Doctor of Medicine PROZOROVSKY, Professor SMOLYANINOV, Scientific Assistant SEMENOVSKY and the military physician PRITVOROV, GORODNICHENKO and YAKUSHA have established on the basis of the examination and the inquest of a considerable selection of bodies of Soviet citizens, that all of them were posoned by the German Fascist slaughterers by carbon-monoxide in "Murder vans" or that they were shot.

The Extraordinary State Commission has handed over to the Attorney General of the U.S.S.R. all findings, received in November 1943 about the atrocities committed by the German-Fascist aggressors in KHARKOV and in the vicinity of KHARKOV, for investigation and for the prosecution of the persons responsible for the crimes.

Subsequently these "killers" were sent by the Reich Police to the various Sonderkommando and the special units, for the purpose of destroying the civilian population in various parts of the country.

I submit to the Court the Report of the Extraordinary State Commission on the Crimes of the German Fascist Invaders in the City and the District of Kharkov, which has served as basis for bringing to criminal responsibility the persons who were killing people, with the aid of these so-called "killers" in the city of Kharkov. The document is submitted as USSR Exhibit Number 43. I shall quote it, beginning with the second paragraph of Page 1

(Extract 2)

"For the mars murder of Soviet citizens the German Fascist aggressors made use of the so-called "gas-wagons", large covered trucks which are called in Russian "Killers".

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In these gas-wagons the German Fascist aggressors herded Soviet citizens and exterminatly them by the fames of especially fatal gas - - carbon monoxide.

In order to conceal the marles or their fiendish deeds and the mars extermination of Soviet citizens by the deadly fumes in the gas wagons, the German Fascist criminals burned the corpses of their victims.

During the rapid avance of the Red Army in the summer of 1943 and the liberation from the German Occupiers of Kharkov an the Kharkov Region, all the Leinous crimes, perpetrates by the German Fascist Criminals have been revealed by the Soviet organs and confirmed by both the preliminary and the legal invertigation.

(Page 249)

(Continuation of extract 2)

The fact that these "killers" had been applied on a very large scale has bee subsequently proven at the trials in the city of Kharkov, which took place in Decmeber 1943.

I have already submitted the verdict of the Military Tribunal of the Fourth Ukrainian Front, which concerned this affair. It was submitted to the Tribunal as USSR Exhibit Number 32. Quoting the verdict on Page 3:

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"For the mass murder of the Soviet citizens the Germans used the so-called gas wagons, which were closed automobiles known to the Russians as the "killers." Into these wagons the Germans placed Soviet citizens and then kill them inside the automobile by the utilization of hydrogen monoxide. The corpses of the victims were then burned for the purpose of concealing the results of the crime."

During the successful offensive of the Red Army during the summer of 1943 and after the liberation of the city and district of Kharkov from the Germans, all these crimes committed by them were disclosed by the Soviet investigation organs and have subsequently been confirmed by official investigations.

(Page 250)

I beg the Tribunal to allow me to read here certain testimony which was given in connection with the Kharkov affair, and to quote from the indictment of the Kharkov Military Tribunal.

This testimony has been given on oath. I shall read the testimony of the witness Retzlav, who was a senior corporal in the German Army. (Page _____ of the document.)

When it was the turn of the women to be loaded into the van the most dreadful scenes occurred. All women without exception, not to speak of the children, sobbed and begged on their knees for mercy. The sobbing of the women mingled with the wailing of the children, who turned to us, the immediately concerned and execution of these crimes, and begged us to spare them. For an answer they received kicks and were bit with rifle butt and pistols.

In such cases I, as well as the other officials of the G F P and of the S. wrenched out the arms of the women and pushed them into the van.

The children were treated even with less trouble. They were taken by their arms, sometimes by their legs and thrown with a swinging morement into the inside of the van.

Such actions caused the cursing of the Germans, and the yard was pilled with heart rendering cries and pleas for help and mercy.

I remember one case in which a women, whose child had been hurled into the van by an officer of the SD before her eyes, jumped on the officer, dugged her fingernails into his face and scratched him until the blood came.

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In most cases such obstinant prisoners were dealt with in a simple manner: they were shot on the spot and thrown into the van.

(Page 251)

I shall read further from the testomony of the witness Mrs. U.N.Podkopai, who is a resident of that house on Rybny Street in Kharkov, where the Gestapo garage with the "killers" was located.

"There were men, women and children among the prisoners, who were pushed into the van by the Gestapo people, accompanied by kicks and butt strokes. Many had blue and capillary blooding marks in their faces. Their clothing was torn, the women and children were crying, but the Gestapo people grasped them and pushed them forcibly into the van.

When the van had become crowded fully and it was about to be closed, two Gestapo men brought a crying woman with two girls aged 8 and 10 years into the yard. One of the girls who did not comprehend what was taking place, began to harry up, shouting: Mother, faster, or the car will leave without us!"

When the woman approached the van, she heard shouting and moaning inside; she began to cry still louder and stood fast, but was forcibly pushed into the van.

One of the girl broke out into tears at this also, and began to cry: Mother, mother!"

The Gestapo men, who were standing around, grasped the two girls, and throw them into the van to the mother who was beside herself with fear. Then the doors of the van were closed and the car drove away from the prison yard. (Bd.3, page 182.)

The same facts of the systematic application of the "killers" for killing large groups of people are confirmed by a series of reports of the Extraordinary State Commission. To confirm this, I quote the following Report of the Extraordinary State Commission on the Destruction and Crimes Committed by the German Fascist Invaders in the City of Kiev, which contains facts regarding the application of "killers" in that city. This report was submitted to the Court as USSR Exhibit Number 9. I shall read, beginning with the last paragraph of the first column on page 5.

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/ This is what was told of this bloody outrage by professor E.A.Kopystynsky, doctor A.G.Dsevaltovskaya, T.K. Panskaya, I.M.Farber, A.I.Evstafyeva and the medical nurse E.F.Troyepolskaya:

"Motorcars arrived to the hospital; Patients were started to be thrown into these murder-vans, 60-70 people into each; here they were killed and their corpses were thrown out near the hospital building. These bestialities continued for several days, in the course of which 800 patients were exterminated." Organizers of these murders were: the German leader at the general Commissariat of Publicic Health - Grosskopf and the physician of the military Hospital - Bolm."

"Killers" were also used by the Germans in the city of Rovno. I refer to the USSR Exhibit Number_____, which is the report of the Extraordinary State Commission on the Plunder, Robberies, and Crimes of the German Fascist Invaders and Their Accomplices in the City and District of Rovno.

I quote this document, beginning with the tenth paragraph in the second column of the text on page 5.

(Page 252)

The mass extermination of peace-loving citizens and prisoners of war in ROVNO was executed by the way of mass shooting with the machine guns and machine pistols and by gassing with carbon monoxide in the murder wagon. In some cases, persons were thrown into trenches and buried alive in them. Many of these shot, especially those in the quarries in the vicinity of the village of Vydumka, were burned at places especially prepared for this occasion.

I continue with paragraph second in the first column of the same page.

Many other testimonies of this kind are at hand. The shameful deeds of the Nazis are also confirmed by numerous testimonies of German prisoners of war of the Red Army. Prisoner of war Franz Jahrbot for instance testifies:
I arrived in Rovno in the middle of November 1943 with 30 soldiers of the 68 Reserve-Pionier Bn. We began to built defensive structures in the eastern suburbs of the city. Also about 300 men and women-inhabitants of the regions of Rovno and Slov, mostly Ukrainians and Polls - were also busy with this work. They were treated as forced laborers, received insufficient food and were beaten if they could not master the prescribed work. In the morning of December 15 we reported to work, but could not see a single one of those

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people. We began to ask the soldiers of the Security Service Bn. about the workers and received the following answer: "They were finished in the gas van in the night."

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The German Fascists also widely used the "killers" in the city and the district of Minsk. In this connection I

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Books 5a + 5b